

2003-2005

## ENVIRONMENTAL PERFORMANCE PARTNERSHIP AGREEMENT

### **Wisconsin Department of Natural Resources and United States Environmental Protection Agency**

By entering into this Environmental Performance Partnership Agreement (EnPPA), Region 5 of the United States Environmental Protection Agency (Region 5) and the Wisconsin Department of Natural Resources (WDNR) commit to work as partners with the public to improve Wisconsin's environmental quality, strengthen the relationship between our agencies, and account for our progress toward meeting environmental goals. This EnPPA outlines the principles, processes, and actions the agencies will take to meet these commitments.

In so doing, Region 5 and WDNR also recognize that this agreement does not extend to or substitute for independent interactions and agreements involving Region 5, WDNR, and any federally recognized Native American Tribe in Wisconsin.

We hereby enter into this EnPPA which remains in effect from July 1, 2003, until September 30, 2005.

#### **For the Wisconsin Department of Natural Resources**

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Scott Hassett, Secretary  
Wisconsin Department of Natural Resources

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Date

#### **For the United States Environmental Protection Agency, Region 5**

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Thomas V. Skinner, Regional Administrator

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Date

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## ***EXECUTIVE SUMMARY***

### Environmental Performance Partnership Agreement between USEPA, Region 5 and WDNR

Environmental Performance Partnership Agreements (EnPPAs) are innovations that provide greater discretion to states to identify and address critical environmental issues. Through such a partnership, the United States Environmental Protection Agency - Region 5 (Region 5) and the Wisconsin Department of Natural Resources (WDNR) have established shared priorities that focus both agencies on these critical issues. In this way, resources of both agencies are conserved and directed in the most appropriate and mutually agreeable fashion.

This EnPPA does not change any agreements or interactions that either the State of Wisconsin or USEPA Region 5 has with any federally recognized Native American Tribes within the State.

In previous EnPPAs, there has been a focus on the following:

1. Documenting grant requirements through easy to understand program charts.
2. Documenting partnering efforts.
3. Selecting joint priority projects.
4. Combining the EnPPA and Self Assessment Report into one document.
5. Improving program communications through Region 5 and WDNR program meetings.
6. Focusing those program meetings on priority setting, problem solving, real partnering, etc.
7. Starting to develop and add a few environmental outcomes and performance measures to the EnPPA and use those measures in the environmental decision making processes.

With budget cuts at the state and federal level, shrinking resources, national interest in more innovation and making the EnPPA more efficient and effective, WDNR and Region 5 need to continue to build on the EnPPA. Thus, we will continue to focus and build on those previous seven areas and will be expanding three areas:

1. More program efforts and commitment to communication and being “real partners”.
2. Significant and joint program innovation as a way to be more efficient and effective.
3. Greater efforts, by each program, to develop a significant number of environmental outcomes and performance measures. It’s expected that measures will be used in the environmental decision making process on setting program priorities and fostering real program discussions and communication.

Also, in this EnPPA, Region 5 and WDNR have committed to jointly concentrate on the Fox River, Brownfields, and National Environmental Information Exchange Network. In addition, Region 5 and WDNR will continue to focus on a number of program partnering opportunities and efforts which can be found in the media specific program agreements (section VIII).

While both agencies recognize that we still have a significant way to go to get to an ideal relationship, this EnPPA has already resulted in significant movement in the right direction.

## **I. INTRODUCTION**

### **A. Parties to this EnPPA**

The parties to this EnPPA are the Wisconsin Department of Natural Resources (WDNR), representing the state of Wisconsin and the U.S. Environmental Protection Agency (USEPA) - Region 5 (Region 5) representing the U.S. Environmental Protection Agency in Washington DC.

WDNR, as defined under State of Wisconsin statutes, is responsible for managing natural resources and protecting environmental quality in the State of Wisconsin.

USEPA, as defined under federal statutes, has a fundamental responsibility to protect the integrity of the nation's environment and the health of its diverse citizenry.

### **B. Purpose**

A major purpose of this Environmental Performance Partnership Agreement (EnPPA) is to identify Region 5's and WDNR's responsibilities and how best to work together for the benefit of the public and environment. These responsibilities include meeting federal and state environmental requirements; outlining how both agencies will collaborate to achieve joint priorities; identifying WDNR's and Region 5's work commitments and corresponding reporting requirements in the Self Assessment Report (SAR) for the federal environmental grants covered by this EnPPA and providing a basis for funding some of WDNR's environmental management activities. This EnPPA<sup>1</sup> applies to the activities and results Region 5 and WDNR will complete and accomplish from July 1, 2003, through September 30, 2005, under the consolidated work plan derived from WDNR's Integrated Work Planning System (IWPS) and Region 5's Agenda for Action<sup>1</sup>. This EnPPA does not extend to or substitute for any agreements or interactions the State of Wisconsin or USEPA has with federally recognized Native American Tribes in the State.

This EnPPA is designed to be consistent with the National Environmental Performance Partnership System (NEPPS) (see overview in Appendix A). The parties concur with the principles of NEPPS and proceed accordingly. One of the basic goals of the EnPPAs, prepared under NEPPS, is to shift the primary focus of the dialogue between Region 5 and WDNR away from activity measurement and toward identification of environmental priorities and the appropriate actions to address those priorities. This framework is more fully detailed in Section I. D. - Changing the State / Federal Relationship.

### **C. Region 5 & WDNR - Building on a Successful Partnership**

Over the past twenty-five years the achievement of many national environmental goals has been accomplished by individual states through approval of state programs that implement federal programs administered by USEPA. This approach has been very successful in improving the land, air and water resources of the nation. Working together, Region 5 and WDNR have contributed to many environmental success stories.

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<sup>1</sup> This EnPPA will cover a 27 month period of time and is intended to bridge the gap between the State (FY) and Federal fiscal (FFY) years. It's also the intent to have the last 3 months of this EnPPA replaced (July 1 to June 30 /24 months and July 1 to September 30/3 months) by a new EnPPA. But, if a new EnPPA isn't signed by July 1, a grant work plan (EnPPA) will be in effect for the last 3 months of the FFY.

This approach was designed for, and worked well under, circumstances which were different than those we know today. As agencies and programs have matured, our concerns have changed. Problems are regional, national, and international in scale, as opposed to being confined solely to individual point sources. We have the capacity to measure pollutants at smaller and smaller concentrations and better understand the impact of these small quantities on human health and the environment. Change in relationships between states and the federal government, as well as between the regulators and facilities, is also occurring.

While meeting regulatory requirements is still important, Region 5 and WDNR are seeking ways to move from the command and control activity-based approach to one based on environmental and human health goals and results. Both agencies recognize the need to move forward in the coming years by shifting the measurement of our success from traditional activity outputs to environmental results. This EnPPA is the next stage in building on a successful partnership between WDNR and Region 5 with more emphasis on environmental results.

#### **D. Changing the State / Federal Relationship**

Region 5 has supported changes to the federal/state delegation system to encourage less process-oriented oversight, greater flexibility, use of environmental outcomes as measures of success, joint priorities, innovative environmental strategies, administrative efficiency, shared resources, and meaningful public involvement. These NEPPS concepts are reflected in Appendix A.

The NEPPS approach reflects the advances made in environmental protection and recognizes that existing policies and management approaches must be modified to ensure continued environmental progress. In time, balanced reporting and environmental indicators, complemented by other program performance measures, will show fulfillment of Region 5 and WDNR commitments under the EnPPA and provide data to analyze the effectiveness of different approaches to environmental protection.

Recognizing the nature of contemporary environmental problems and the changing federal/state relationship, Region 5 and WDNR have crafted this EnPPA to achieve more of the following:

- Provide flexibility to address priorities across media and allow the allocation of resources to address those priorities.
- Improve environmental performance by establishing a meaningful system of measures and encourage innovative solutions to environmental problems.
- Demonstrate administrative savings through changes to the grant work plan and associated reporting process.
- Strengthen our partnership through shared goals and resources and use each other's strengths.

#### **E. WDNR's Integrated Work Planning System**

In April 1996, the WDNR established a Work Planning Redesign Team, and charged the team with the following responsibility: "To develop a unified work planning process to be used across the new organization that results in a uniform product that supports our mission and focuses on customer needs. The new process should address the previously identified problems and assure

that work plans establish clear direction on work priorities and objectives, facilitate program integration, establish accountability for their implementation and are adjusted to account for new information or modification in resources."

This system has been expanded and used by WDNR program managers to develop an integrated, multi-disciplinary work plan covering the State of Wisconsin biennial budget periods and the correspondent Federal fiscal years. The Integrated Work Planning System (IWPS) is fundamental to this EnPPA, providing the forum for documenting commitments and intended outcomes as well as establishing a process for Region 5 and other stakeholder involvement in priority setting. This system is web-based, easily accessed and used, captures planned resource use and allows for easy report development. This process is detailed in Appendix B – Identifying Agreement Responsibilities and Action Dates.

## **II. JOINT PRIORITIES**

Another goal of this EnPPA is to take advantage of priorities that are distinct to the role of both agencies. This section covers the process used to select Joint Priorities (JPs) as well as how WDNR and Region 5 will collaborate to achieve JPs. The selection process highlights the overall priority between Region 5 and WDNR to focus increased efforts on measuring and managing for environmental results. There are four JPs for this EnPPA and they are Brownfields, Fox River, Innovative Strategies and National Environmental Information Exchange Network.

### **A. Process for Selecting and Pursuing Joint Priorities**

This section describes the JPs selection process and outlines an approach for addressing them over the next two years. Although concentrated on the current EnPPA, this process will form the basis upon which future priorities are selected and pursued.

#### **Selection Process**

1. Initial discussions occurred between the two EnPPA co-sponsors and two EnPPA co-team leaders. The purpose was to review:

- agency goals
- strategies/Secretary's issues objectives and priorities
- national guidance
- Region 5's "Agenda for Action" (see Appendix D)

The output from the discussion resulted in discussion draft JPs that were shared with the Region 5 and WDNR programs.

2. Region 5 and WDNR programs reviewed the draft proposals, developed more specific proposals, appointed co-leads for each JP and asked each co-leads to develop a detailed plan of action for inclusion in the EnPPA.

3. Final action plans were documented by the JP co-leads on the standard EnPPA format/chart and provided to the EnPPA co-team leaders for inclusion in the Agreement (see charts in this Section).

## Implementation

1. JP co-leads not only develop a detailed action plan, they also ensure that the priority receives attention and focus by appropriate staff in both agencies. Co-leads also periodically communicate the progress of their JP to the EnPPA co-sponsors.
2. The actual activities, schedules, outcomes, etc. for each JP are listed below.

## Evaluation

The JP selection process will come full circle during the evaluation phase. JPs will be evaluated annually as part of the SAR process. In addition, near the end of the two year EnPPA cycle, the commitments and JPs will be assessed. Information gathered during the EnPPA cycle will be used by Region 5 and WDNR to set priorities for the next cycle.

### **B. Joint Priorities for the EnPPA**

In order to focus resources and address crucial concerns in Wisconsin, Region 5 and WDNR have, for the duration of this EnPPA, embarked upon long-range, joint strategic planning. Priority areas being addressed together are listed below. Both agencies desire to complement each other's work in these areas and to jointly achieve solutions that improve the environment.

#### **Fox River Project**

WDNR and Region 5 both agree that the Fox River effort be a continued JP for the 2003-2005 biennium. From 1998 through early 2003, the Fox River effort was focused on the Remedial Investigation/Feasibility (RI/FS) phase and completion of the Record of Decision (ROD) for Operable Units (OUs) 1 and 2. This state lead Superfund effort at WDNR includes three programs: Remediation and Redevelopment (RR), Watershed Management (WT) and Communication and Education (CE). These joint efforts between Region 5 and the RR, WT, and CE programs in WDNR have provided a good start for Fox River cleanup efforts.

We expect that these joint efforts will produce the ROD for OUs 3, 4 and 5 in mid-2003, and that remedial work will be initiated in Little Lake Butte des Morts during the 2004 construction season. Following completion of the ROD for OUs 3, 4 and 5 and negotiation of Consent Agreements for design and implementation, the agencies' effort will shift into the Remedial Design phase, and later Remedial Action. Fox River cleanup will be a long-term ongoing effort. For this effort, we expect the existing roles of the programs to continue as work on the Fox River cleanup progresses. RR provides project management on work associated with the Superfund Cooperative Agreement. WT provides project management associated with expenditures related to use of the API agreement. CE provides outreach and public information. Region 5 provides technical review of documents, negotiation of agreements, community relations support and timely/sufficient Superfund financial assistance.

#### **Brownfields**

WDNR and Region 5 both agree that the Brownfields State Response Program be a continued JP for the 2003-2005 EnPPA. The two agencies have a long history of joint efforts in the area of cleaning up and reusing contaminated lands. Beginning in 1995, EPA provided funds to assist WDNR in developing administrative rules and programs to implement the 1994 Wisconsin Land Recycling Law. More recent joint efforts have focused on (1) community outreach and

education on brownfields incentives at the federal and state levels and (2) identifying and removing federal and state barriers to cleaning up and reusing brownfields. For 2003-2005, the efforts to develop programs, provide outreach and education, and identify and remove barriers will continue. In addition, WDNR and Region 5 will work together to further develop and enhance WDNR's current response program, including (1) greater coordination and education on federal brownfields grants and (2) developing and implementing a multi-program memorandum of agreement (MOA) to clarify federal and state cleanup roles and responsibilities. These efforts will support the various federal and state programs seeking to cleanup contaminated properties and convert them to beneficial uses—liquid underground storage tanks (LUST), Superfund, Resource Conservation and Recovery Act (RCRA) corrective action/closures, and state enforcement and voluntary cleanup actions under the State's comprehensive Spill Law. Particular emphasis will be placed on (1) proactive survey and inventory of the universe of contaminated sites, (2) oversight and enforcement authorities or other mechanisms and resources to accelerate cleanups and redevelopment, (3) mechanisms and resources to provide meaningful opportunities for public participation, (4) mechanisms for approval of cleanup plans and certification that cleanups are complete, and (5) improving the public record through geo-location of all contaminated properties and historic disposal sites.

### **Innovative Strategies**

On March 25, 1999, Region 5 and WDNR entered into a Memorandum of Agreement (MOA) affirming their joint commitment to regulatory innovation. The MOA addresses the implementation of Wisconsin's Environmental Cooperative Pilot Program and establishes the parameters for a process for timely review and approval of innovation proposals. Both Region 5 and WDNR are interested in environmental protection through innovation, whether by finding cleaner, cheaper, smarter ways of ensuring the environment is protected or by looking at non-traditional regulatory methods. Region 5 and WDNR will work together to insure new approaches are protective of the environment as well as legally protective to facilities. Region 5 and EPA will work together to identify transaction costs and jointly develop ways to effectively manage those costs. WDNR will negotiate the proposals with each facility so that the resulting Agreements will include goals for better environmental protection and pollution prevention as well as systems for EMS capabilities, inclusive stakeholder processes and environmental risk management. Region 5 will provide consultation, and when necessary, identify federal legal requirements.

Region 5 and WDNR will work to align Wisconsin's innovative programs with EPA's National Performance Track Program. Our collaboration will be designed to motivate and reward superior environmental performance. Program elements will recognize top environmental performers and provide incentives for continual improvement. Region 5 will work closely with WDNR on the review and coordinate site visits of WI's applicants. The two agencies will develop stronger relationships with facilities and gain a better understanding of the Environmental Management Systems as a means of managing and improving environmental performance.

### **National Environmental Information Exchange Network (Exchange Network)**

The Exchange Network is an important shift in concept for our shared environmental information responsibilities. Currently WDNR collects and processes environmental information

in the execution of authorized program responsibilities. WDNR provides this information, as appropriate, to Region 5 for their oversight, and for regional and national assessment functions. This duplicity results in twice the cost for the "same" information. It also introduces errors and misunderstandings due to timing issues and data source confusion.

The Exchange Network presents the first option for change from less than effective duplicity since the start of the environmental programs in the late 1970's. Under the Exchange Network vision, data would be managed at the point that it is submitted to the appropriate regulatory agency. The Exchange Network would make the data available to a user as if it all came from one source. Region 5 and WDNR would only pay for the data once and the different sources would be transparent to the requester. This cost reduction is critical to WDNR at this time.

It has been stated that the EPA Administrator and the Environmental Council of the States (ECOS) have long stressed the need for transparency. It is important for the public to know what state and federal environmental programs are doing in order to build support their efforts. Full implementation of the Exchange Network will make that transparency a certainty. It has also long been a goal of state and federal environmental agencies to be able to clearly illustrate, through data, to oversight authorities such as to the General Accounting Office, that their efforts to improve the environment have been effective. Full implementation of the Exchange Network will make it easier to show the effectiveness of our mutual efforts to improve the environment.

WDNR has received FY '02 Exchange Network Readiness funding to develop its "node" on the Exchange Network and to initiate flowing our facility information – both should be accomplished by late summer in 2003. WDNR applied for FY '03 Exchange Network funding to develop a registry for corporate geospatial data, and to develop flows for the:

- National Emission Inventory
- Resource Conservation and Recovery Act
- Integrated Water Quality Monitoring and Assessment Report and 305B Report
- Safe Drinking Water Act programs

Unfortunately, WDNR has been notified that the available grant resources is far less than expected so WDNR will not be able to develop flows for all the environmental programs listed above. However, our application continues to fund the corporate geospatial registry.

**C. Actual Joint Priorities**

The purpose of the following JP charts is to document, tabulate, and eventually to evaluate Region 5 and WDNR JP work efforts and to ease the annual evaluation process for Region 5 and WDNR.

Following are column definitions for the charts:

**Region 5 and WDNR Activities** - These are the program/staff activities that complement the JP and partnering efforts with Region 5.

**Funding** - Shows the source of the funds used to accomplish WDNR activities.

**Performance Measures or Outcomes** - These measurements are intended to address two areas. First is to identify National Core Performance Measures, GPRA, and Reporting Requirements and secondly to use this EnPPA as a opportunity to have the Region 5 and WDNR programs move from total “bean counting” to some jointly agreed upon environmental measurements that both programs can use to evaluate environmental progress and effectiveness.

**Region 5 and WDNR Self Evaluation** - This column illustrates how WDNR and Region 5 programs will evaluate and report the results of their activities and will occur annually. The self-evaluation will cover the July 1 through June 30 time periods.

## Brownfields Cleanup and Redevelopment

Program Leads

Region 5: Joe Dufficy

WDNR: Darsi Foss

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes		WDNR and/or Region 5 Evaluation Date
			Measures	Target Numbers	
1	Public Record Requirement	S. 128(a)	-Number of estimated brownfields Enhancements to web data base: to identify institutional controls at property flag sites as PA/SI, NPL & SF Removal sites # of web hits to site/property data bases # of clean ups (closures) completed in FY 04 # of active sites in data base	TBD  By Feb 04, database upgrades By Feb 04, database upgrades  3000  350	
2	Timely inventory and survey	s. 128(a)	Survey: # of properties geo-located # of properties screened # of properties discovered # of staff hours per effort	2,000  200  150  TBD	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes		WDNR and/or Region 5 Evaluation Date
			Measures	Target Numbers	
3	Oversight and Enforcement Activities: pipeline acceleration limited audit of institutional controls coordination of geo-location efforts	s. 128(a)	Pipeline Acceleration initiative: # of sites targeted for acceleration/categories # of sites where RP action taken # of acceleration actions taken by category: letters referrals	2,600   70%  70% 5%	
4	Continued: Oversight and Enforcement Activities	s.128(a)	Limited audit of Ics: # of staff hours to develop audit initiative #of sites inspected for compliance with institutional controls # of staff hours per audit % of sites in compliance # and type of follow-up actions	1000  25  TBD  TBD TBD	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes		WDNR and/or Region 5 Evaluation Date
			Measures	Target Numbers	
5	Mechanisms and resources for public participation		# of brownfields grants: Assessments Cleanup # of redevelopment meetings # of workshops, trainings, etc. # of publications, newsletters, etc. progress on public participation rule revisions	 100 10 100 5 15 Proposed Rule	
6	Mechanisms for Approval of clean up plans, verification and certification	State funds	# Completed clean-up (closure) letters # Certificates of Completion Liability clarification letters/exemptions Grant support letters # of state staff/hours per action	350 10 50 25 TBD	
7	Development of the One Cleanup Program MOA	Brownfields Core	By 10/03, provide draft MOA to EPA By 4/03, MOA to HQ for approval		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes		WDNR and/or Region 5 Evaluation Date
			Measures	Target Numbers	
8	Continuation of the Brownfields Study Group	s. 128(a)	Continue to identify policy & legal improvements Work on insurance initiative Support for OCP MOA		

## Fox River

### Program Leads

Region 5: Jim Hahnenberg

WDNR: Ed Lynch for Superfund tasks/Greg Hill for API/NCR tasks

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
1	WDNR and Region 5 Finalize the Record of Decision (ROD) for Operable Units 3, 4, and 5 of the Lower Fox River and Green Bay.	Superfund Fox River CA	Completion of the ROD for these units of the site by June 30, 2003.	
2	Preparation of the following for use in the remediation of the Fox River and Green Bay (Jointly with US and Wis. DOJ) -DEA report -LTMP -Pre-Design Sampling Plan -Minergy Reports on Vitrification -Electronic Data System	API/NCR Interim Settlement Funds	Completion for use in final remedy--Completion dates vary.	
3	Preparation of other yet to be identified remediation tasks to be funded by the API/NCR interim Settlement Funds.	API/NCR Interim Settlement Funds	This is dependent upon activities selected from subsequent years funding and approval by the implementation team.	
4	WDNR and Region 5 (with US and Wis. DOJ) Negotiate an Administrative Order of Consent (AOC) with responsible parties for the design of the remedy for Operable Units 1 & 2 of the Fox River.	Superfund Fox River CA	Completion of negotiations. Pre-design sampling completed by December 31, 2003.	
5	WDNR and Region 5 (with US and Wis. DOJ) Negotiate a consent decree with the responsible parties to implement the remedial action for Operable Unit 1.	Superfund Fox River CA	The remedial action is initiated in 2004.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
6	WDNR and Region 5 Initiate negotiations with the responsible parties for the RD and RA for Operable Units 3, 4, and 5.	Superfund Fox River CA	Hold initial post-ROD meetings with the responsible parties by September 30, 2004.	
7	WDNR and Region 5 Initiate the baseline monitoring under the Long Term Monitoring Plan.	API/NCR Interim Settlement Funds	Initiate the water column and fish tissue analysis by December 31, 2003.	
8	Prepare detailed quarterly progress reports for WDNR and Region 5 managers to meet grant commitments and keep them informed on all significant Fox River activities and accomplishments.	Superfund Fox River CA and API/NCR Interim Settlement Funds	Quarterly reports with sufficient detail and clarity completed and submitted to WDNR and Region 5 managers within 30 days after the end of each quarter.	

## Innovative Strategies

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
1	Innovation Strategies – listed below are the strategies to be undertaken as a part of the joint priority for innovation.		Set for each of the discrete tasks under the innovation strategy	
2	Cooperative Agreements Program Leads: WIDNR – Mark McDermid Region 5 – Wisconsin will continue the work on the environmental cooperation pilot program. This work will include the documentation of environmental results, amendment of agreement provisions and joint development of lessons learned. The lessons learned will inform the implementation strategy used for the Environmental Results legislation upon passage.	State	Annual Reporting Data Emmissions Reductions Waste Reduction Administrative Savings Stakeholder engagement Environmental Performance Testing	
3	Performance Track Program Leads: WIDNR – Mark McDermid Region 5 – Wisconsin will respond to compliance and performance information requests from Region 5 about applicant companies. Wisconsin staff will accompany Region 5 on site visits and respond to general information requests depending upon staff availability.	State	Facilities Enrolled in the Program Flexibility provided to Performance Track Facilities	
4	Sector Strategies Program Leads: WIDNR – Mark McDermid Region 5 – Wisconsin will work with Region 5 to align with	State	Measures/Outcomes to be determined as a part of the implementation steps for the initiative	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	sector initiatives supported by the Region as a part of the sector strategies coming from the Office of Policy Economics and Innovation. The goal of this particular strategy will be to identify multi-media approaches that can be used within a sector to experiment with the efficacy of an approach that addresses cross media solutions to environmental risk.			
5	<p>Innovation Network Program Leads:     WIDNR – Mark McDermid     Region 5 –</p> <p>Wisconsin will participate in the Innovation Network now under development by Region 5. The scope and extent of participation will be jointly identified as the Network needs are established. This work may include the development of an application for the Innovation Grant program working within the priorities identified by region 5 and other priorities that may emerge from the implementation.</p>	State	Infrastructure developed to efficiently recognize, develop, approve and implement performance-based approaches to managing environmental risk	

## Exchange Network

### Program Leads

Region 5: Steve Goranson

WDNR: Tom Aten

#	WDNR – Region 5 Activities	Funding	Performance Measures or Outcomes	WDNR or Region 5 Evaluation
1	DNR and R5 will work together, and will enlist interested parties, to develop a data exchange template, or a SQL view, as appropriate, for geospatial analysis data. The template will identify information needed to locate and document environmental interests for Network queries.		An Integrated Project Team is formed under the Network Steering Board. A Geospatial Analysis Data Schema is developed to allow Network sharing of geospatial data.	
2	DNR and R5 will develop procedures for mining information stores for relevant geospatial information		IPT members develop joint lists of geospatial analysis data holdings for this JP. IPT members develop procedures for extracting geospatial analysis data into the GADS.	
3	DNR and R5 will develop protocols for allowing real-time access to the data stores for negotiated web service or surrogate requests.		IPT members define the web services to be developed for this JP. IPT members define and develop interface tools that enable users to understand the graphic interpretation of the geospatial analysis data	

### III. ROLE OF THE PUBLIC

Since the Conservation Act of 1927, which established citizen oversight of natural resource policy, Wisconsin has viewed the direct involvement of its public as essential to responsibly managing the State's natural resources. Citizen members of the Natural Resources Board; the Conservation Congress; participants at public meetings and hearings; advisory groups and all others who comment are directly involved in natural resource management and environmental protection.

With the 1996 reorganization of WDNR, this long-standing commitment to public involvement has been strengthened. The public will now be linked directly to WDNR's management systems through the Integrated Work Planning System (IWPS) and more formal partnership teams. This overarching system identifies all the activities WDNR does to manage and protect natural resources. It is based on the continuous quality principles of Plan, Do, Check, and Adapt. It assures that work is linked to the Department's mission and strategic objectives, that work is effectively integrated across programmatic and geographical lines and, most important, that stakeholders and staff know what is being done and why. The IWPS is just beginning. It will take time to realize the full potential of this system.

It is important to note that this EnPPA is built around a rich system of public participation that will accomplish several important public policy goals, namely:

- Establish environmental priorities based on local, place-based needs.
- Increase public confidence in the national and state environmental management systems.

USEPA illustrates its commitment to public involvement in decision-making with the Community-Based Environmental Protection (CBEP) model. CBEP's goals are to assess and manage the quality of air, water, land and living resources in a place as a whole, to better reflect regional and local conditions, and to work more effectively with our many partners in environmental protection, both public and private.

Both partners in this EnPPA understand the importance of early public involvement. Communities, including all types of stakeholders and agencies, are viewed as equal partners in the dialogue on environmental issues. The Region 5 Senior Management and WDNR Department Leadership Team (DLT) have actively looked for ways to improve stakeholder outreach, striving to get more involvement in environmental decision-making. Some shared guiding principles for public outreach and involvement include:

- Encourage and promote the active participation of communities and stakeholders by giving them a voice in all aspects of environmental decisions which affect their lives.
- Institutionalize public participation, with recognition of the value of community knowledge, and the underlying promise that the public's contribution will influence decisions.
- Utilize cross-cultural formats and exchanges in order to assure that the interests and needs of all participants are understood.

- Provide equal access to decisions made about the environments in which people live. Maintain honesty, integrity and scientific professionalism in the process of articulating goals, expectations and limitations.

Both agencies are committed to making this EnPPA a meaningful collaboration in the work they share. Both hope to garner increased public confidence in their efforts to improve the environment. To invite public comment on this EnPPA, public availability sessions will be held and public review sought at critical stages in the Agencies' planning and decision-making process. News releases and fact sheets will keep the Wisconsin public informed. The specific strategy that will be used to ensure public involvement in this process can be found in Appendix F.

#### **IV. ROLES AND RESPONSIBILITIES FOR REGION 5 AND WDNR**

##### **A. Shared Responsibilities**

Region 5 and WDNR have complementary missions to protect and restore the environment. In order to accomplish these missions, Region 5 and WDNR must maximize their resources and minimize activities that do not contribute to these objectives. Shared responsibilities include implementation of many federal programs. The success of these programs relies on provision for adequate resources, clear distinction of roles, and a high degree of cooperation between agencies. The involvement of stakeholders and opportunity for public participation is also a key shared responsibility and equally as critical to successful development and implementation of these programs.

During this EnPPA, Region 5 and WDNR will work toward a goal of optimizing the use of the agencies' combined resources to assure compliance. In order to best employ the full benefits of their partnership relationship, Region 5 and WDNR will identify targets for compliance and enforcement activities and share the responsibility for initiating appropriate enforcement actions.

Region 5's and WDNR's compliance assistance efforts will be measured and reported.

Region 5 and WDNR will mutually and openly share information on enforcement and compliance assistance activities.

The following two sections detail the roles and responsibilities of each agency in providing quality environmental programs which protect public health and Wisconsin's environment.

##### **B. USEPA/Region 5 Roles and Responsibilities**

The Federal government has a fundamental responsibility to protect the integrity of the nation's environment and health of its diverse citizenry. Both USEPA and individual states conduct environmental protection activities. USEPA carries out an important role by directly implementing some Federal programs, taking enforcement against violators, delegating or approving Federal programs for State operation and reviewing and evaluating State program performance. USEPA has a fiscal and statutory responsibility to ensure that Federal programs are carried out consistently across the country. In this capacity, its program review role

incorporates a variety of activities in general, from annual meetings with State program managers to file reviews. USEPA also builds the capacity of States and other partners by offering training and technical assistance, sharing work efforts, and conducting scientific and policy research.

Because pollution does not respect political boundaries, USEPA must ensure that a consistent level playing field exists across the nation. USEPA performs this vital function by providing leadership when addressing environmental problems that cross state, regional and national borders and by ensuring a consistent level of environmental protection for all citizens. The Agency fulfills these responsibilities by working with its many partners - other federal agencies, states, tribes and local communities - to address high priority environmental problems. USEPA is committed to promoting and supporting environmental justice with a goal of eliminating disproportionate environmental impacts on low-income and people of color. To the maximum extent possible, Region 5 will take environmental justice into account in carrying out its responsibilities and commitments under this EnPPA. The Agency is also committed to people having access to good data for informed decision-making, both inside and outside the Agency.

Specific compliance and enforcement activities to be accomplished during the term of this EnPPA are included in the media-specific appendices. However, Region 5 and WDNR believe it is appropriate to highlight the federal role in compliance and enforcement in this EnPPA. Although WDNR is authorized to implement many of the federal environmental programs, both agencies agree that there is an ongoing federal role in environmental protection. Under this EnPPA, Region 5 and WDNR retain their respective authorities and responsibilities to conduct enforcement and compliance assistance activities.

Region 5 will continue to maintain a federal enforcement and compliance presence in Wisconsin and Region 5 in order to support State enforcement and compliance activities and to serve as an incentive to compliance.

Both federal and state enforcement activities serve to ensure that regulated entities which violate environmental requirements do not gain a competitive advantage over those expending the resources to comply with environmental laws. Region 5 will focus on national and regional priorities including, but not limited to, multi-media inspections, national companies with multi-state non-compliance, selected priority sectors, and prosecution of criminal violations. Region 5 will also assist WDNR in conducting inspections, enforcement actions and in providing compliance and technical assistance to the State and its regulated entities. Region 5 will continue to take enforcement actions, where appropriate, to ensure implementation of federal programs, and will coordinate with and inform WDNR when such actions are being considered. Specific federal enforcement and compliance assistance responsibilities are outlined in the existing USEPA guidance documents.

While individual media program activities will be coordinated on a program-specific basis, multi-media activities will be coordinated through Region 5's Office of Enforcement and Compliance Assurance and WDNR's Office of Environmental Enforcement.

### **C. WDNR Roles and Responsibilities**

WDNR is responsible for implementing State and State-authorized, approved or delegated federal programs that protect and enhance Wisconsin's natural resources and for coordinating the many State administered programs that protect the environment and provide a full range of outdoor recreational opportunities.

WDNR's environmental management responsibilities focus on improving and protecting the quality of Wisconsin's air, land, surface water and groundwater to support a diverse environment and protect fish and other aquatic life, wildlife and human health. WDNR, in cooperation with Region 5, prevents waste generation, pollution and spills; implements programs to manage waste and by-products and directs the cleanup at contaminated sites and groundwater. This is done through its wastewater management, water quality, safe drinking water, waste management, remediation and redevelopment and air quality activities.

In achieving its responsibilities to protect human health and the environment, WDNR works in partnership with citizens, communities, businesses, advocacy groups, other state agencies and the federal government. In addition to working in partnerships, the interrelationships among our air, land and water resources require an integrated approach to ecosystem management. In its organization WDNR has established geographic management units, based mostly on major river basins, which will be the focus of an interdisciplinary approach to environmental and natural resource management. Direct citizen participation in setting goals and priorities within these geographical management units is key to WDNR natural resource and environmental decision-making.

#### **D. Principles of WDNR/EPA Compliance/Enforcement Relationship**

WDNR) and USEPA share a commitment to protect Wisconsin's citizens and environment. Achieving and maintaining compliance with environmental requirements is a major part of this shared commitment. To guide the agencies in this shared responsibility, USEPA and WDNR agree on the following objectives as guiding principles:

- Manage for environmental results which support agency goals.
- Encourage and maintain compliance through the most effective application of the full spectrum of tools.
- Use our respective resources and abilities as efficiently as possible.
- Institute joint, advance planning for the most effective coordination.
- Enhance open and honest communication between our agencies.

#### **Joint Planning, Priority-Setting, and Sharing of Responsibilities for Enforcement and Compliance Assurance**

Our goal is to promote greater joint planning, priority-setting, and sharing of responsibilities between USEPA and WDNR in order to achieve more efficient deployment of resources, higher levels of coordination, and greater compliance with environmental laws. To accomplish this goal, USEPA and WDNR agree to:

- Use the EnPPA process to determine compliance and enforcement priorities and work sharing arrangements.

- Seek opportunities for sharing work and resources, as specified in the specific program work plans.
- Share expertise, as part of work sharing and coordinated planning, to address areas of concern or lack of expertise in specific sectors.
- Tailor compliance and enforcement priorities to address environmental needs in Wisconsin as well as USEPA regional and national priorities. WDNR will identify its needs to USEPA by specific program. USEPA will identify regional and national enforcement priorities to WDNR.
- Identify needs so that USEPA and WDNR can work alongside and support each other efforts.
- Recognize that state and national program directions may shift during the course of this EnPPA, and commit to discussing any needed shifts, the feasibility of implementation and possible disinvestment needed to accommodate any shifts.

### **Consultation on Enforcement and Compliance Assurance Activities**

Ongoing communication and consultation between USEPA and WDNR is critical for a smooth and productive working relationship. Our goal is to improve communication and consultation between our agencies. To accomplish this goal WDNR and USEPA agree to:

- Improve communication and coordination to foster an atmosphere of early and meaningful communication between USEPA and WDNR for discussing priorities and providing notification between WDNR and USEPA of any upcoming significant inspection or enforcement action. To emphasize that compliance and enforcement activities and priorities be clearly communicated between USEPA and WDNR senior and mid-level management, the following responsibilities are identified here:
  1. Planning and priority-setting is accomplished at the respective section chief level during negotiation of this EnPPA and as needs arise, during the EnPPA.
  2. Routine communication is a program-to-program responsibility at the respective section chief level.
  3. Sensitive communication, defined as multi-media, high profile, conflict-based, that requires a policy interpretation or which is an emergency, is the responsibility of the respective USEPA Branch Chief to communicate with WDNR's Division of Enforcement and Science Administrator, or respective designee.
  4. USEPA will take enforcement actions in Wisconsin as necessary and appropriate to ensure implementation of federal programs and as a deterrent to non-compliance, in accordance with the communication and coordination activities outlined above. There may be emergency situations or criminal matters that require USEPA to take immediate action (e.g., seeking a temporary restraining order). In those circumstances, USEPA will consult with the State as quickly as possible following initiation of the action.
- Coordinate compliance and enforcement actions, on an ongoing basis, to ensure efficient and effective use of resources.
- Ensure effective communication between senior and mid-level management to ensure that USEPA and WDNR front-line staff receive consistent messages.
- Communicate, as regulatory agencies, the message that escalated enforcement is neither a positive or negative issue for the agencies and should be considered when non-compliance

occurs. There is a need for deterrence and the need to punish violators even when they achieve compliance or when there is criminal activity.

- Recognize that EPA has a responsibility to foster consistency among State enforcement programs.

## **V. SCOPE OF THE EnPPA**

In addition to administering many programs, which are delegated by Region 5 or approved for implementation by the State, WDNR performs other activities that are financially supported through USEPA administered federal grants. These financial resources support WDNR's planning, implementing, evaluating and monitoring activities to achieve federal mandates and initiatives.

WDNR and Region 5 have agreed to redefine their operating relationship to coincide with the WDNR's biennial budget and work planning cycle and two federal fiscal years (27 month EnPPA). This EnPPA relies on the IWPS. WDNR will use the IWPS and replaces multiple state and federal grant/work planning systems. Resource commitments in the IWPS work plans include both Federal and State funded activities. The IWPS is able to incorporate needs and priorities agreed to between Region 5 and WDNR into each Agency's overall planning and budgeting systems.

While Region 5 and WDNR attempted to provide a description of each Agency's environmental protection activities for the period of this EnPPA, it should be noted that there may be additional activities warranting action that are not contemplated at this time. Region 5 and WDNR agree that coordination will occur, as appropriate, over the course of the EnPPA to avoid overlap and duplication of effort in addressing new issues and concerns as they arise. Furthermore, this EnPPA does not necessarily encompass every agreement between Region 5 and WDNR and that some other agreements and relationship will be described elsewhere. Also, other agreements are in place between other State agencies and Region 5 and are thus not included in this EnPPA. In any event, this EnPPA does not replace or supersede any statutes, regulations, or delegation agreements entered into with the State or pursuant to the State program approval process.

### **A. National Programs included in this EnPPA**

Following is a list of Region 5 administered federal grants covered by this EnPPA. For the following categorical grants, this EnPPA serves as the program work plan. Specific details of the program plans that the two Agencies will accomplish are outlined in this EnPPA.

#### **Clean Air Act**

Air Pollution Control (sections 103 and 105)

#### **Clean Water Act**

Water Pollution Control - surface water and ground water (section 106)

Nonpoint Source - State (section 319)

Water Quality Management Planning (section 604(B))

Outreach Operator Training (section 104(g))

Safe Drinking Water Act

Underground Injection Control (UIC)

Public Water System Supervision (PWSS)

Resource Conservation and Recovery Act

Hazardous Waste Management Program (HWMP)

Leaking Underground Storage Tanks Administration, Enforcement, and Specific Sites

## **B. National Programs with Project Specific Requirements**

During the term of the EnPPA, there may be grants or programs authorized by Congress to be implemented by Region 5 and WDNR. Appropriate amendments to the EnPPA to address these and other activities will be completed in conformance with the Amending the EnPPA subsection.

Region 5 and WDNR cooperate on a variety of project specific activities. This EnPPA does not include the project specific workplans for these activities but rather an overall framework for the relationship between Region 5 and WDNR for the specific programs. Following is a list of such Federal grants to WDNR covered by the EnPPA.

Pollution Prevention Act

Pollution Prevention (P2) Grant Program

Comprehensive Environmental Response Compensation and Liability Act (Site Assessment - Superfund Core - Superfund Specific Site Support Activities)

Clean Water Act

Great Lakes Projects

Research and Demonstration Projects [Section 104(b)(3)]

Clean Lakes Projects (sections 314 and 319 / as appropriate)

Coastal Environmental Management (CEM)

Water Quality Planning Grants to Local Planning Agencies [Section 604(b)]

Title VI, State Revolving Fund

## **C. Reporting Commitment**

This EnPPA contains the reporting commitment established between Region 5 and WDNR managers who implement programs. WDNR's commitment to support national data bases, report information identified in National Core Performance Measure requirements and meet other Region 5 information needs are identified in the program charts in Section VIII. Reporting will cover all grant-eligible activities. This reporting will be discussed in the annual Self Assessment prepared by Region 5 and WDNR and is further described in Section VI, unless a different time frame or specific program reporting process has been established.

Nothing in this EnPPA prevents the Agencies from determining that additional ways to streamline or modify reporting are appropriate. The Agencies will have the flexibility to amend reporting activities through negotiated amendments to this EnPPA.

#### **D. Performance Measures Commitment**

Performance measures are quantitative and qualitative references used to determine progress toward our goals. Balanced reporting and environmental indicators complemented by other program performance activity measures will measure fulfillment of Region 5 and WDNR commitments under the EnPPA and provide data to analyze the effectiveness of different approaches to environmental protection. Basic program performance and fiscal responsibilities will be monitored as required and as spelled out in this EnPPA. A fundamental goal is to shift the primary focus of the Region 5 and WDNR dialogue away from activity measurement and to instead identify environmental priorities and appropriate actions to address those priorities, as well as measure environmental results achieved. Both Agencies are committed to working towards making this shift more pronounced in future EnPPAs.

This EnPPA contains two distinct categories of performance measures and they are outlined below. Reporting on these performance measures will appear in the Region 5 and WDNR Joint Priorities and partnering charts and Self Assessment Report prepared annually (see Section VI).

- Performance Measures - Established through dialogue between the Agency programs. These measures are used to evaluate whether WDNR and Region 5 are making environmental or program progress in the Agreement (see Section II. C.).
- National Core Performance Measures - A focused and limited set of measurable priorities identified by USEPA national program managers in consultation with the Environmental Council of States for inclusion in each state EnPPA (see Section VIII).

#### **E. Needed Changes in the EnPPA**

Region 5 and WDNR both recognize that most multi-year EnPPAs need change to make them current, relevant, and supportable. Since both Agencies also support continuous quality improvement (plan, do, check and adapt), it is important to designate a process to review the EnPPA and propose changes. These changes would then be implemented through the Amending the Agreement process (see Section V. G.).

In order to facilitate the formal review of the EnPPA, Region 5 and WDNR individual programs must have some type of dialog to identify problems and issues. This dialog needs to occur no later than the end of February of each year. This information needs to be shared with the EnPPA program contacts, in both Agencies, so that they can share the information and deal with those issues as well as multi-program issues at the routine program to program discussions.

At least one formal program review and discussion, between the two Agency EnPPA teams, needs to occur during March of each year. It is intended that the meeting focus on progress, new issues, and solutions and that by the close of the meeting, proposed changes would have been

developed in draft form. The EnPPA team leaders would then route the proposed EnPPA changes to Agency programs for comment. Proposed changes must be agreed to and approved by June 30.

This formal process is not intended to limit program to program discussion nor does it preclude additional changes agreed to by both Agencies. The overall philosophy of this EnPPA is to encourage dialog and partnering.

## **F. Conflict Resolution**

Region 5 and WDNR realize that disagreements may occur, that differing perspectives are a normal part of the state/federal relationship, and that timely resolution of disagreements is in the public's and both Agencies' best interests. Accordingly, Region 5 and WDNR are fully committed to using a mutually agreeable dispute resolution process to handle the conflicts that may arise as we implement environmental programs. We also agree to view the conflict resolution process as an opportunity to improve our joint efforts rather than as an indication of failure to achieve goals. To that end, we endorse the following negotiation principles:

- Approach disagreement as a mutual problem requiring efforts from both Agencies to resolve.
- Approach the discussion as an opportunity to improve work activities and relationships in developing products through joint efforts.
- Empower staff; i.e. aim for resolution at the staff level, while keeping management informed.
- Consider all issues raised, but establish priorities to ensure that significant issues receive attention first.
- Observe reasonable time frames, elevate disputes as quickly as practicable; in any event the negotiation process should not exceed 90 days for formal conflict / non-emergency situations.

In keeping with these principles, both Agencies agree to attempt to resolve conflicts at the lowest possible staff level when disputes occur between WDNR and Region 5. This is balanced with a recognition that elevation is encouraged and appropriate when timely resolution is not forthcoming.

- **Informal Conflict Resolution**

Conflict can develop at all levels, from disagreements over wording in a report to significant differences over implementing federal policy. Region 5 and WDNR will strive to implement the following principles to resolve conflicts as they arise:

- Encourage staff to identify issues that they can resolve immediately; recognize and identify those issues that are caused by a larger system and need broader input to resolve.
- Diagnose the underlying cause of the problem or conflict and involve those who can affect the outcome.
- Promptly disclose underlying assumptions, frames of reference and other driving forces.
- Clearly differentiate positions and check understanding of content and process with all appropriate or affected parties to assure acceptance by all stakeholders.

- Document discussions and decisions to minimize future misunderstandings,
- Keep Region 5 and WDNR EnPPA program and team contacts informed as to the resolution.
- If a dispute cannot be resolved at the staff level, with proper input from involved managers and participants, the dispute is elevated to the formal dispute process.

- **Formal Dispute Resolution**

The formal dispute resolution process is invoked when the informal process does not result in a resolution acceptable to all parties or if it fails to resolve all issues associated with a dispute. To elevate an issue for formal dispute resolution the following procedure should be followed:

- Involved staff must clearly define the dispute including background information, options for resolving and pros and cons thereof.
- Involved staff must define the dispute resolution process including the time frame that will be used to continue to elevate a dispute until it is resolved.

If a dispute can't be resolved at the staff level, the dispute can be elevated to the first line supervisory level. Either party can elevate the issue and other party will respect the decision and continue to work to resolve this issue. The supervisory referral and resolution process will continue to the level of the Region 5 Regional Administrator and WDNR Secretary, if necessary. If an agreement still cannot be reached, Region 5 Regional Administrator and WDNR Secretary can agree to jointly refer the dispute to the appropriate Assistant Administrator at USEPA Headquarters for resolution. If there is no joint agreement by the Regional Administrator and WDNR Secretary to elevate the dispute, the conflict resolution process terminates. Another alternative is for WDNR to initiate the formal grant dispute procedures outlined in the Code of Federal Regulations 40 CFR 31.70. Both Agencies agree that no legal rights are given up in agreeing to this dispute resolution process.

The aim is to resolve disputes as quickly as possible and, if unresolved at the end of three weeks, the issue should be elevated to the next level in each organization. Escalation should be to comparable levels in each organization and accompanied by an issue paper. The issue paper should be updated at each level, in each Agency, and include the information above, and document the actions and decisions that were and were not taken. A conference call and/or other consultation arrangement are strongly encouraged should it become necessary to elevate the dispute to the next management level.

Shortly after completing a formal dispute resolution process, both agencies should briefly document which elements or processes in the negotiation were most and those least effective in reaching agreement. These observations should be shared between the Agencies. This documentation will serve as a foundation for refinements and improvements in the conflict resolution process.

## **G. Amending the EnPPA**

Region 5 and WDNR have complementary responsibilities to protect and enhance Wisconsin's environment. In order to accomplish these responsibilities our agencies must efficiently use the

institutional resources we have available. Both Agencies recognize that in order to help manage work efforts, we must agree on how and when applicable State and Federal guidance will be handled. We agree that federal program guidance must be received on a timely basis in order to be considered in WDNR work planning. We also agree that the WDNR must share its work planning guidance with Region 5 in a timely manner. For purposes of this EnPPA, only the USEPA National Program Guidance and other Region 5 guidance received by WDNR by May 1 will be considered in WDNR work planning for the first year of EnPPA. It is intended that guidance received after May 1<sup>st</sup> and prior to the next May 1<sup>st</sup> will be considered as part of the Agreement adjustment process for the last 15 months of the agreement. This doesn't preclude adjustment to protect the public health and the environment where both Agencies agree.

It is recognized that important needs will arise during this EnPPA cycle that must be addressed. Refinements to portions of the EnPPA, such as conflict resolution, self-assessment and Joint Priority implementation, should be initiated and implemented as needed at any time. Also, amendments to grants or carrying out EnPPA implementation activities which do not require adjustments, should also proceed with documentation but without a formal amendment.

An appropriate time to formally adjust this EnPPA is when the self-assessment is completed or at the mid-course evaluation phase. Any adjustments will need to be identified and agreed to by June 30<sup>th</sup> for formal incorporation into the EnPPA beginning July 1. It is recognized that USEPA National Guidance is often not available by May 1<sup>st</sup> of each year; WDNR will make reasonable attempts to accommodate this whenever possible during the second year of the EnPPA. There are two types of modification, minor and significant.

Minor modifications are Region 5 to WDNR program adjustments, only impact a single program, and both programs agree to the change. These changes can occur at any time and need to follow this process:

1. Document the problem and revise the activities format or appropriate section in the EnPPA.
2. Provide the revision documentation to the EnPPA Agency sponsors and team leaders.
3. EnPPA team leaders will see that the change is added to the master copies of the EnPPA that are maintained by both Agencies.

Significant modifications are those modifications that impact more than one Region 5 or WDNR program and need to have the EnPPA formally modified. This formal modification process is as follows:

1. Region 5 and WDNR programs develop a short discussion paper to identify the need for the modification, impacts on the programs and present a proposed modification. The proposal will be routed to the EnPPA Agency sponsors and team leaders, along with a memo requesting the formal modification.
2. At WDNR, the proposed modification will be shared with the appropriate Bureau Directors and approval requested.
3. At Region 5, the proposed modification will be shared with the appropriate Division Director and approval requested.

4. After the modification has been approved by the appropriate WDNR Bureau Director and Region 5 Division Director, the EnPPA co-sponsors will develop and jointly sign a letter approving the modifications.

5. The formal modification approval letter will then be sent to the programs and a copy sent to the both Agency EnPPA teams. The both Agency EnPPA team leaders will add the modification to the master EnPPA that are maintained by both Agencies.

## **H. EnPPA Cycle**

During the time covered by this EnPPA, Region 5 and WDNR will be implementing this EnPPA as well as planning for the next EnPPA. In order to accommodate these dual schedules, a 27-month cycle will be followed. This cycle parallels the WDNR's IWPS which is based on the "Plan, Do, Check, and Adapt" philosophy of continuous quality improvement. The following are the key activities. The specific dates and details are located in Appendix B:

- Implementating
- Assisting with the continued transition to the NEPPS process
- Monitoring the SAR process and making needed changes
- Evaluating
- Region 5 and WDNR program to program dialog and EnPPA team meetings
- Annual SAR process
- Adapting
- Documenting all minor and significant amendments. Involving internal and external partners, as much as possible, in recommending JPs and setting future EnPPAs
- Planning
- WDNR Division workplanning guidance
- Region 5 input
- Using applicable State and Federal guidance
- Identifying JPs
- Identifying available State and Federal resources
- Encouraging Public participation as defined in WDNR's IWPS

## **VI. SELF ASSESSMENT**

### **A. Self Assessment Report (SAR)**

A significant element of the EnPPA will be the SAR containing WDNR and Region 5 self assessments. The SAR goal is to fulfill all WDNR reporting requirements for USEPA grants with the exception of some fiscal reporting. In an effort to improve the readability and understanding of the EnPPA and SAR, a standardized format has been used (see JPs and Program Sections). This standardized format combines a number of pieces of information on how the work efforts fit into WDNR priorities, actual work efforts by both agencies, funding, and finally the Region 5 and WDNR self assessments. Thus, it is the intent to have the EnPPA shift into a combined final EnPPA/SAR for each year of the EnPPA. (July 1<sup>st</sup> to June 30<sup>th</sup>)

## **B. WDNR Self Assessment Report**

The SAR will serve as a progress report on all aspects of the environmental management programs (Air, Water, Remediation & Redevelopment, etc.), including JPs and programmatic issues covered in the EnPPA.

The WDNR SAR will:

- Measure how well WDNR is moving toward and achieving its long term goals and objectives for the Agency.
- Act as a tool to make mid-course correction during the biennial work plan process
- Provide direction for future WDNR biennial work plan processes and provide input for future EnPPAs.
- Report to WDNR management for the reporting period.
- Report to Region 5 on performance for the reporting period.
- Supplement WDNR's "State of the Environment" report. While not an EnPPA requirement, this report will provide useful information to the people of Wisconsin.

The WDNR SAR will include:

- An over-arching program assessment of activities conducted by WDNR and program direction.
- A programmatic self-assessment prepared by each program and sub-program that receives funding for environmental protection work or has federal programmatic responsibilities. They will be incorporated into and follow the format identified in the EnPPA for the overall SAR. These programmatic self-assessments will evaluate individual program and sub-program progress in meeting objectives as determined by specific performance measures and program core measures (see Sections II. on JPs and VIII. on Program efforts). Modifications to programmatic work plans must be identified in the program evaluations.

The reporting period will be from July 1st to June 30th of each year.

The SAR will be prepared annually by WDNR and sent to Region 5 for review, comment, and additions (JPs and program activities). In doing so, Region 5 will maintain an independent level of oversight. To maximize the utility of these SARs to the WDNR's IWPS and EnPPA adjustments, the annual SAR must be timely.

## **C. Reporting on Joint Priorities**

Region 5 and WDNR will contribute as partners to the development of the JP assessment of the SAR. Both Agencies are responsible for completing independent assessments on the productivity of their work efforts on these JP activities. The schedule and timing of the JP SAR development is in Section VI. E.

## **D. Region 5 Self Assessment Report**

Region 5 has a responsibility to monitor its efforts in support of WDNR and in support of achieving USEPA's national environmental goals described in its draft strategic plan. Region 5

will assess its progress in different ways. To measure support for WDNR specifically under this EnPPA, Region 5 will provide information in two ways:

- Input to WDNR's annual Self-Assessments about Region 5 work accomplished on the WDNR and Region 5 JPs and other partnering efforts. Region 5 will prepare information on the progress made regarding commitments, measures described under the JPs and overview in section VII. The information will be provided to WDNR for incorporation into WDNR's development of the annual SARs and overview. The schedule and timing of the input into the SAR development is listed below in Section VI. E.
- An assessment of Region 5's progress on support activities described in the EnPPA. For Region 5's Self-Assessment, Region 5 programs will provide an evaluation of their own efforts to support WDNR programs. This evaluation will be based on Region 5 activities contributed to the EnPPA's media-specific program plans or other areas and could include training offered by Region 5, meetings or any other activities that Region 5 programs agreed to undertake for WDNR. Region 5 will provide this information along with its annual evaluation of WDNR's performance.

The regional Self-Assessment that Region 5 will provide to WDNR needs to fit into a larger picture. Region 5 describes its overall plans and measures in annual program Memoranda of Agreements with USEPA Headquarters, as well as in Region 5's own Agenda for Action which describes Region 5 priorities. Region 5 will evaluate its work in its annual program reports to Headquarters. The schedules and extent of these reports differ among programs and occur in conjunction with the evaluation for each federal fiscal year.

#### **E. SAR Schedule**

An annual draft SAR will be prepared by WDNR for July 1<sup>st</sup> to June 30<sup>th</sup> of each year. WDNR will start the process of developing a draft SAR by July 1 of each year. The draft WDNR SAR will be sent to Region 5 by August 15<sup>th</sup>. Region 5 will provide comments and additions (JPs, activities and overview) on the draft SAR to WDNR by September 15<sup>th</sup>. WDNR will finalize and distribute the SAR by October 15<sup>th</sup> of each year.

### **VII. OVERVIEW OF SAR FOR REGION 5 AND WDNR**

The purpose of this section, as part of the SAR process, is to provide an opportunity for the individual programs to share an overview to their program's efforts, challenges, and direction. This section will be completed annually during the SAR process by individual agency programs.

- July 1, 2003 to June 30, 2004
  - WDNR
  - Region 5
- July 1, 2004 to June 30, 2005
  - WDNR
  - Region 5

## VIII. PROGRAM AGREEMENTS

The purpose of the following charts is to document, tabulate, and eventually to evaluate Region 5 and WDNR work efforts. This approach is intended to meet: USEPA grant commitments (efforts and reporting), USEPA and ECOS Core Performance Measures (national reporting), USEPA and Region 5 initiatives, the ties between EPA and WDNR strategies and work activities, actual Region 5 and WDNR program to program partnering efforts. The intention is to ease the annual evaluation process for Region 5 and WDNR.

Following are column definitions:

**Region 5 and WDNR Activities** – Identifies program activities, commitments and partnering efforts.

**Funding** - Shows the source of the funds used to accomplish WDNR activities.

**Performance Measures or Outcomes-** These measurements are intended to address two areas. First...It's to identify National Core Performance Measures, GPRA, and reporting requirements and use this EnPPA to facilitate Region 5 and WDNR programs to move from total "bean counting" to some jointly agreed upon environmental measurements that both programs can use to evaluate environmental progress and effectiveness.

**Region 5 and WDNR Self Evaluation** – Evaluates the identified program activities, commitments and partnering efforts which will occur annually (July 1st through June 30th time period) during the SAR.

## EnPPA Teams

The overall goal of the Region 5 and WDNR EnPPA Team is to make the EnPPA “Real” over time. In order to accomplish this core goal, there are a number of guiding principles:

- Maintain and expand the program and Agency relationships.
- Facilitate Region 5 and WDNR program to program discussions, planning and priority setting that focus on the Section Chief and staff levels.
- Build a structure that assures that the core partnership will develop and that critical qualitative needs are met.
- Facilitate doable and real commitment to partnering efforts.
- Design Continuous Quality Improvement (plan, do, check, and adapt) into the process.

Program Leads      Region 5      Craig Mankowski  
                                  WDNR      John Melby

WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation (and Date)
<b>SURVEY</b>			
Develop (revise) a survey for Region 5 and WDNR programs that assesses the 2003-2005 EnPPA process. Distribute to the Team for comment by November 1, 2003, and distribute the survey to programs by November 15, 2003.	N/A	Improved management and staff participation and buy-in.  Measurement / Measured through surveys.	
Summarize survey results by December 1, 2003.	N/A	Measurement / Completed on time.	
Meet to review EnPPA process survey results and propose future direction by January 31, 2004.	N/A	Measurement / Develop a document that assesses buy-in, needed improvements, identifies perceived value of EnPPA and sets future priorities.	

<b>WDNR and/or Region 5 Activity</b>	<b>Funding Source</b>	<b>Performance Measures or Outcomes</b>	<b>WDNR and/or Region 5 Evaluation (and Date)</b>
Share results of discussions with WDNR and Region 5 programs by February 15, 2004.	N/A	Measurement / Completed on time.	
<b>REVISIONS</b>			
Team program leads will survey their programs for changes in the 2003-2005 EnPPA by January 15, 2004.	N/A	Measurement / Completed on time and identifying any needed changes.	
Teams will meet or have a conference call to develop changes to the 2003-2005 EnPPA by February 15, 2004. Program Leads will coordinate any changes prior to the meeting.	N/A	Measurement / Discussion of changes and making program supported changes to the EnPPA, if needed .	
<b>PROGRAM MEETINGS</b>			
Program Leads will help facilitate semiannual Program to Program meetings (one face to face and one conference call per year) to discuss program direction and information sharing on budgets, guidance, problems, shared resources and relationship building.	N/A	The meetings are intended as a forum to share information and to jointly develop approaches, solve problems and set a tone of real partnering.  Measurement / Were meetings and conference call held.	
<b>SAR</b>			
WDNR programs will prepare a Draft SAR and share with Region 5 programs by August 15, 2004, and 2005.	N/A	Measurement / Completed on time and shared with Region 5	

<b>WDNR and/or Region 5 Activity</b>	<b>Funding Source</b>	<b>Performance Measures or Outcomes</b>	<b>WDNR and/or Region 5 Evaluation (and Date)</b>
Region 5 will add their SAR and review, comment and provide feedback on WDNR's SAR by September 15, 2004, and 2005.	N/A	Measurement / Completed on time and shared with WDNR.	
WDNR and Region 5 programs come to consensus on the final SAR by October 15 of 2004, and 2005.	N/A	Measurement / Completed on time and consensus acquired.	
WDNR posts the final SAR on the WDNR internet site and shares it with Region 5 by November 15, 2004 and 2005.	N/A	Measurement / Final SAR posted.	
<b>NEXT EnPPA</b>			
WDNR and Region 5 Teams will meet in January 2005 to kick-off the 2005-2007 EnPPA negotiations.	N/A	Measurement / Meeting held.	

## B. Air Management

### Protecting the Air

Air quality levels that protect people, animals and plants are attained and maintained. Air Management staff will maintain appropriate technical expertise to allow the program to proactively address emerging air quality issues in a holistic manner. The program staff need to work with national, regional, state and private sector partners to actively address the air resources and the pollution problems we share.

Develop and advocate for national policies and programs which provide for early emission reduction credits for greenhouse gases and mercury, and other initiatives to reduce these emissions in Wisconsin, regionally and nationally.

Caroline Garber, Environmental Studies Section Chief - 608/264-9218

#### WDNR Activity Codes

AMGE-05 Environmental Studies  
AMAG Forest Health Monitoring  
AMGE-19 General Policy Development  
AMGE-10 Climate Change Policy Development & Implementation  
AMGE-14 Great Lakes Atmospheric Deposition  
AMZZ-10 Public Information & Involvement  
AMGE-17 Mercury Initiative  
AMD L Devil's Lake TMDL Monitoring

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
1	Region 5 Provide information on these topics from other states and federal agencies.	105/State		
2	WDNR Work with USEPA Region 5 on Atmospheric Deposition Research and Policy Activities including:  Participate in the Review Panel for Great Lakes Geographic Initiative funds.	105/State		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>Participate in the development and compilation of the Great Lakes Regional Air Toxics Emission Inventory.</p> <p>Region 5 Region 5 Atmospheric Deposition Research and Policy Activities:</p> <p>Distribute EPA Section 105 Great Lakes Geographic Initiative Funds.</p> <p>Participate in the development of the Great Lakes Regional Air Toxics Emission Inventory.</p> <p>Continue to monitor for air toxics in the Great Lakes region, through efforts such as the Integrated Atmospheric Deposition Network.</p>			
3	<p>WDNR Administer the Wisconsin Registry.</p> <p>Region 5 Region 5 will link WDNR effort to national initiatives. Region 5 will assist in quantification requirements for Wisconsin's registry of voluntary reductions of emissions of green house gases and other air pollutants.</p>	105		
4	<p>WDNR Until January 2004, Continue participation in regional and national mercury reduction efforts, including the Binational Toxics Strategy and the Great Lakes State-Federal mercury group.</p>	105		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>Continue work on rule development for a mercury reduction program</p> <p>Region 5 Region 5 continues to provide opportunities for information sharing about sources of mercury and options for reducing mercury through the Binational Toxics Strategy mercury workgroup and the Great Lakes State-Federal mercury group. Assist WDNR as needed in mercury reduction program and coordination with development of utility regulation.</p>			
5	<p>WDNR Continue to participate in public information and involvement activities at the state, regional and national levels through workshops, conferences, newsletters, presentations and other methods.</p> <p>Region 5 Continue to provide public informational materials, to participate in workshops and conferences, to provide grant opportunities for public information and involvement activities.</p>	105		

Develop a data analysis plan for determining total maximum daily loads for mercury deposition to water bodies.

Caroline Garber, Environmental Studies Section Chief - 608/264-9218

WDNR Activity Codes

AMCI Lake Superior Basin Mercury Cycling Study

AMGE-14 Great Lakes Atmospheric deposition

AMGE-17 Mercury Initiative  
 AMDL Devil's Lake TMDL Monitoring

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
6	<p>WDNR Continue to cooperate with USEPA on the Devil's Lake TMDL pilot.</p> <p>Evaluate applicability of results to other Wisconsin waters.</p> <p>Work with DNR Division of Water Management to develop TMDL rules for impaired waterbodies, as necessary.</p> <p>Region 5 Continue to work with WDNR and USEPA Headquarters on the development of the Devil's lake TMDL pilot.</p> <p>Evaluate applicability of results to other Wisconsin waters.</p> <p>Support TMDL effort through technical assistance.</p>	105		

Implement the PAMS data analysis plan in conjunction with Region 5 staff and the other Lake Michigan States.

Larry Bruss, Ozone Section Chief - 608 / 267-7543  
 WDNR Activity Codes  
 AMGE-04 Enhanced Ozone Monitoring  
 Reporting Requirements  
 PAMs Data (quarterly) - 40 CFR 58.4.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
7	WDNR WDNR will work with LADCO to conduct data analyses on PAMS and other ozone related air quality data. These analyses may be used to determine trends in ozone and precursors, to evaluate the validity of emissions data, to assess the effectiveness of control programs, or to refine the conceptual model of ozone formation and transport in the Lake Michigan region.	105/State	Biennial Data Analysis Report  July 1, 2005	

Assess local air quality problems establish priorities and develop effective solutions through partnerships.

Tom Sheffy, Monitoring Section Chief - 608/267-7648

#### WDNR Activity Codes

AMGE-01 Pollutant Episode Forecasting  
 AMGE-02 Air Monitoring for Criteria Pollutants  
 AMGE-03 Hazardous Air Pollutant Monitoring  
 AMTV-03 Air Monitoring Operations and Quality Assurance  
 AMAB DNR-Indian Tribes Cooperative Air Monitoring  
 AMCN NADP - National Trends Network (NTN) Deposition Monitoring  
 AMCL NADP – Mercury Deposition Network (MDN) Deposition Monitoring  
 AMCD Visibility Monitoring  
 AMCG Air Monitoring of Dane County Landfill  
 AMCK UV-B Monitoring  
 AMGE-19 General Policy Development  
 AMGE-06 Ozone Control & SIP Development  
 AMTV-04 Hazardous Air Pollutant Control  
 AMDA RAPIDS  
 AMGE-14 Great Lakes Atmospheric Deposition  
 AMDE-02 Stratospheric Ozone Protection – Policy  
 AMDE-03 Stratospheric Ozone Protection – Registration

AMEA	Ozone Control & SIP Development-Mobile Sources
AMTR	Tribal Environmental Issues
AMCM	Contract management Oversight
AMPM	Fine Particulate Monitoring
AMDL	Devil's Lake TMDL Monitoring
AMBW	Biowatch Monitoring

#### Reporting Requirements

System Modification Report (network review) - 40 CFR 58.25

Annual SLAMS Summary Report - 40 CFR 58.26

NAMS/SLAMS AIRS Data (quarterly) - 40 CFR 58.35PAMs Data (quarterly) - 40 CFR 58.45

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
8	Establish, operate and maintain NAMS, SLAMS, and SPECIAL PURPOSE monitoring networks for criteria pollutants to identify local air quality problems.	105/State	FY 2000 National Core Performance Measures  Trends in ambient air quality for the criteria pollutants.	
9	Submit quality assured air-monitoring data to AIRS in accordance with USEPA deadlines.	105/State		
10	Forecast air pollution episodes and keep the public Informed on Ozone Advisory Days.	105/State	Emission reductions since 1990 for the criteria pollutants, as discussed in each annual edition of	
11	Cooperate with Indian Tribes and industrial sources; advise them and assist them with ambient air monitoring needs including siting, QA, and submittal of data to AIRS. Specifically continue to provide assistance to the Bad River Tribe with PM2.5 and meteorological monitoring efforts and the Forest County Potawatomi Tribe with air monitoring network planning activities.	105/State	EPA's <i>National Air Pollution Emission Trends Report</i> .  Establish PSD database for prevention of future air quality deterioration (Indian Tribes)	
12	Monitor for hazardous air pollutants and atmospheric deposition of sulfates, strong acids, mercury, other metals and air toxics including establishment, operation and maintenance of a National Air Toxics (NAT) station near Mayville, WI to measure rural background toxics. Includes performing periodic updates to QAPP for toxics air monitoring program.	105/State	-Timely, quality –assure, submittal of criteria and toxics monitoring data to AQS database. Efforts will be made to submit end of ozone season data to AQS within 45 days of end of	
13	Review all monitoring networks from a regional perspective, annually and submit network changes to USEPA for approval.  Critical assessment of ongoing needs for individual monitoring sites during network review process.	105/State	ozone season for final ozone data submittal. -Maximization of resources to enhance performance and capabilities to meet changing monitoring needs.	

Develop and implement programs to assess and reduce air toxic emissions.

Caroline Garber, Environmental Studies Section Chief - 608/264-9218

WDNR Activity Codes

AMTV-02 Emission Inventory  
 AMGE-03 Hazardous Air Pollutant Monitoring  
 AMTV-04 Hazardous Air Pollutant Control  
 AMGE-14 Great Lakes Atmospheric Deposition  
 AMGE-15 Risk Assessment / Health Studies  
 AMGL Great Lakes Inventory

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
14	<p>WDNR Review and analyze National Air Toxics Assessment (NATA) data, as available.</p> <p>Region 5 Provide timely access to and assistance in the review of the NATA data.</p>	105/State		
15	<p>WDNR Review and comment on national air toxics monitoring plan, as appropriate.</p> <p>Region 5 Provide opportunity for comment on national toxics monitoring plan, as appropriate.</p>	105/State		
16	<p>WDNR Region 5 Provide timely notice of grant and other opportunities.</p>	105/State		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
17	<p>WDNR</p> <p>Prepare 2002 Inventory of 188 HAPs for point sources and submit to EPA National Emissions Inventory (NEI) in NEI format by March 1, 2004.</p> <p>QA 2002 draft NEI and submit changes between October 2004 and February 2005.</p> <p>Assist in supplying air toxics emissions inventory information necessary for atmospheric modeling. (WDNR already collects stack parameters and stack specific air toxics emission data. WDNR will continue work to improve the quality of this data.)</p> <p>Region 5 Provide necessary assistance; conduct QA/QC.</p> <p>Assist WDNR with technical assistance and quality assurance of RAPIDS.</p> <p>Host RAPIDS meetings and coordinate information between states.</p>	105/State		
18	<p>WDNR</p> <p>Promulgate and implement new state air toxics regulations.</p> <p>Region 5 Provide federal policy and technical assistance at public meetings.</p>	State	<p>FY 2000 National Core Performance Measures</p> <p>Trends in emissions of toxic air pollutants as reflected in EPA's National Toxics Inventory.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			Reductions in toxic emissions from 1990 levels. State collection and compilation of ambient and emission source data for toxics to better understand the nature and extent of the air toxics problem.	
19	WDNR Update MACT delegation request annually.  Region 5 Approve delegation request in writing and in Federal Register as needed.	105		
20	WDNR Provide comments and suggestions to the region on the S/L/T program for air toxics.  Region 5 Coordinate OAR and WDNR efforts related to the S/L/T program for air toxics.	105		
21	WDNR Assist voluntary toxics reduction effort with the City of Milwaukee Health Department.  Region 5 Provide voluntary project direction and technical assistance.	105		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
22	<p>WDNR Continue work on an inventory refinement and local area risk assessment for a neighborhood in Milwaukee.</p> <p>Region 5 Provide funding and technical assistance.</p>	105		

Tom Sheffy, Monitoring Section Chief - 608/267-7648

#### WDNR Activity Codes

AMPM Fine Particulate Air Monitoring  
 AMGE-07 Particulate Matter Plan Development & Revision  
 AMBW Biowatch Monitoring

#### Reporting Requirements

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
23	<p>WDNR Continue operation and maintenance of a fine particulate monitoring network consisting of the following components:</p> <p>17 FRM PM2.5 monitoring stations            9 Continuous PM2.5 monitoring stations            6 PM2.5 Manual Speciation monitoring stations            1 Continuous PM2.5 Speciation monitoring station            1 Visibility and Regional Hazecam monitoring station</p>	103/105	<p>Establish Attainment/Non-attainment designations.</p> <p>Reallocation of PM2.5 resources to perform PM2.5 monitoring at other locations, upgrade existing continuous PM2.5 samplers with new hardware to enhance correlation of PM2.5</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	Perform review of 3 complete years of quality assured PM2.5 data in 2003 to determine compliance with NAAQS for PM2.5		FRM and continuous measurements and to establish additional continuous PM2.5 stations.	
24	<p>WDNR</p> <p>Improve operation of continuous PM2.5 monitors through retrofitting of upgrade hardware on existing continuous PM2.5 samplers (TEOMS) to enhance correlation of FRM and continuous PM2.5 measurements.</p> <p>Continue to coordinate operation of fine particulate (mass and speciation) monitors at Mayville and Perkinstown in conjunction with the nephelometer and web-based visual camera for the regional haze program.</p>	103/105	Reduction of FRM sampling frequency at collocated FRM/continuous PM2.5 monitoring sites following collection of sufficient data to assure acceptable correlation of FRM and continuous measurements. FRM frequency will be reduced when approval for reduction is granted by Region 5 USEPA.	
25	<p>WDNR</p> <p>Continue to report fine particulate data to USEPA.</p>	103/105	FRM and continuous PM2.5 data will be submitted to AQS database meeting USEPA requirements for timely submittal.	
26	<p>WDNR</p> <p>Establish, operate and maintain 9-12 Biowatch monitoring stations in WI to detect the presence of pathogens in the ambient air.</p>	103	Submit Biowatch samples to analytical lab within 6 hours of collection for analysis. Submit required documentation for samples.	

All new and modified sources of air pollution are required to obtain air pollution control permits, prior to starting construction. To ensure new and

expanding businesses receive the support they need from the Department, the Air Management Program has assigned the highest priority to issuing permits in a timely manner. While providing excellent customer service, air management staff must also provide environmental protection by conducting careful evaluation of each new source permit application to determine that the source will meet all appropriate state and federal laws and regulations.

Jeff Hanson, Printing & Coating Section Chief - 608/266-6876

#### WDNR Activity Codes

AMNS-01 Construction Permit Review – Analysis  
 AMNS-02 Construction Permit Review – Modeling  
 AMNS-03 Construction Permit Review – EAs  
 AMNS-04 Indirect Source Permit Review  
 AMNS-05 Construction Permit Review – Verification  
 AMNS-06 Construction Permit Review - Questions  
 AMEP-01 Revisions to Permits  
 AMBE Contested Case Hearings  
 AMCT Nicolet Minerals  
 AMTR Tribal environmental Issues  
 AMZZ-07 Hazardous Air Pollutant Consistency Reviews

#### Reporting Requirements and Agreements

November 4, 1987, Delegation Agreement for the Federal Prevention of Significant Deterioration Program.

PSD Draft Permits - CAA 165(d)

PSD SIP Approval Effective June 28, 1999

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
27	WDNR Issue major source permits within statutory limitations and ensures each construction permit issued includes conditions for all applicable state and federal requirements and is processed according to state and federal laws and regulations. The construction permit program is funded by the program revenue it generates,	State	Number of permits issued vs. number of permit applications received.  Number of days on average between date of complete application and date of permit issuance.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>separate and distinct from emissions fees.</p> <p>Region 5 Provide clarification on USEPA guidance and federal laws and regulations as requested.</p> <p>Work with WDNR to develop alternative to hard copy submittal of permit documents to Region</p>		<p>Consistency in permit requirements</p> <p>Bi-monthly conference calls between WDNR/Region 5 providing updates on PSD/NSR permit applications</p>	
28	<p>WDNR Evaluate and propose and SIP revisions to PSD/NSR program based upon December 31, 2002 Federal PSD/NSR changes</p> <p>Region 5 Work with WDNR in preparing PSD/NSR program revisions and provide guidance on program equivalency</p>	State	Submittal of proposed SIP revision by January 2006	
29	<p>WDNR Work with EPA to address any outstanding issues construction permit program, primarily the issue of expiring Title 1 conditions</p> <p>Region 5 Work with WDNR to address program issues, including construction/operation permit interface.</p>	State	<p>Notify Region 5 and include Region 5 on all agendas for air management monthly permit conference calls.</p> <p>Revise Construction Permit SIP to address expiring Title 1 condition issue</p>	

Continue IBM Permit Efficiency Report streamlining efforts. Continue progress in decreasing current operation permit backlog, including both federal operation permits (FOPs) and federally enforceable state operation permits (FESOPs) . Continue to workplan for renewals, revisions, and re-openings of FOPs and FESOPs. Continue to use this reported time in conjunction with the number of issued permits to check on streamlining efforts.

Jeff Hanson, Printing and Coating Section Chief, (608) 266-6876

#### WDNR Activity Code

AMES-01      Operation Permit – Analysis  
 AMES-02      Operation Permit – Modeling  
 AMES-03      Operation Permits – Verification  
 AMES-05      Operation Permit Renewal  
 AMES-06      Operation Permit Questions  
 AMEP-02      Revisions to Permits  
 AMBE          Contested case Hearings  
 AMZZ-07      Hazardous Air Pollutant Consistency Reviews  
 AMGE-19      General Policy Development

#### Reporting Requirements and Agreements

Title V Permits (issuance) - CAA 505(a)

May 29, 1995, Implementation Agreement for the Part 70 Operation Permit Program.

July 11, 1996, USEPA / WDNR Working Document

February 19, 2002, Memorandum of Agreement Regarding Sections 111(d)/129 Federal Plans

December 16, 2002, Schedule for Operation Permit Issuance

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
30	WDNR Evaluate program implementation in the Regions and Central Office to determine what additional tools are desirable to help permit writers issue operation permits. As part of this task, review and evaluate existing tools and procedures and recommend changes to improve efficiency.	State	Continued improvement.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
31	<p>WDNR Work with EPA to address any outstanding issues for full Title 5 program approval and any other noted deficiencies.</p> <p>Region 5 Work with WDNR to address program issues, including construction/operation permit interface, and part 70 rule revisions.</p>	State	Notify Region 5 and include Region 5 on all agendas for air management monthly permit conference calls.	
32	<p>WDNR Continue progress in decreasing backlog. Provide workplanning analysis for issuance of operation permits, renewals, revisions, and re-openings of permits between July 1, 2003, and September 30, 2005. Include analysis of number of FTE devoted to operation permit issuance and the numbers of hours that are planned for permit issuance on a statewide average.</p> <p>Region 5 Request and support national recognition from EPA headquarters on full implementation of Title V including the principle that all states must workplan for renewals, revisions, and re-openings in addition to initial permit issuance.</p> <p>Review and comment on draft and proposed FOPs and FESOPs; provide additional permit review input as requested by WDNR.</p> <p>Provide federal permit guidance when issued, provide specific assistance when requested,</p>	State	<p>WDNR provide EPA with list of WDNR program priorities regarding stationary source regulation by July 1, 2003.</p> <p>WDNR provide EPA with annual progress reports towards completion of work effort outlined in December 16, 2002 operation permit issuance schedule. WDNR inform EPA of any necessary revisions to schedule resulting from program funding restrictions as they are known.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>participate in monthly WDNR permit calls and quarterly regional permit calls.</p> <p>Assist WDNR in ensuring that any permits developed pursuant to the Environmental Council of States (ECOS) Agreement meet federal requirements.</p>			
33	<p>Region 5</p> <p>Evaluate and review EPA proposals with regard to TOPs and any other data entry and management for operation permit issuance.</p>			
34	<p>WDNR</p> <p>Update permit regulations to require Part 70 permits for sources that are affected by any 111(d) federal implementation plan.</p>	State	Update permit regulations within 18 months of federal promulgation, to require Part 70 permits for sources that are affected by any 111(d) federal implementation plan.	
35	<p>WDNR</p> <p>Evaluate and respond to EPA program review inquiries and efforts.</p>	State	DNR participates in conference calls. DNR responds to written drafts with written comments within at least 6 weeks of receipt.	
36	<p>WDNR</p> <p>Participate in regional meetings and communication with states and Region V on collaborative evaluation and discussion of issues facing Part 70 permit issuance.</p>	State	DNR and Region 5 participate in conference calls. Participate in meetings as time and resources allow.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	Region 5 Region 5 organize meetings including meetings, conference calls and agendas.			
37	WDNR Participate in training with states and Region V on issues facing Part 70 permit issuance.  WDNR contribute to training.  Region 5 Region 5 organize meetings including meetings, conference calls and agendas for training on issues issues facing Part 70 permit issuance.	State		

To improve air quality and attain ambient air quality standards in eastern Wisconsin and the Lake Michigan Region, WDNR will develop an attainment demonstration for the 1-hour ozone standard. This attainment plan will rely heavily on reductions in precursor emissions from upwind states.

Larry Bruss, Ozone Section Chief - 608 / 267-7543

#### WDNR Activity Codes

AMGE-01 Pollutant Episode Forecasting  
AMGE-02 Air Monitoring for Criteria Pollutants  
AMGE-19 General Policy Development  
AMGE-06 Ozone SIP Development – Stationary & Area Sources  
AMGE-07 Particulate Matter Plan Development and Redesignation  
AMGE-08 Carbon Monoxide, Lead, Sulfur Dioxide Plan Development & Revision  
AMAM Inspection Maintenance & Anti-Tampering  
AMEA Ozone Control Mobile Sources  
AMEB Inspection Maintenance Mechanics Training

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
38	<p>WDNR Develop and submit recommendations for nonattainment areas for the 8-hour ozone standard and PM2.5 standards.</p> <p>Region 5 Develop guidance for implementing the 8-hour standard and PM2.5 standards. Disseminate guidance and provide technical assistance.</p>	105/State	<p>Governor's recommendations on PM2.5 and 8-hour ozone nonattainment areas.</p> <p>December 15, 2003</p>	
39	<p>WDNR Work with LADCO and the other Lake Michigan States to evaluate ambient air quality data and conduct other data analyses to meet the SIP commitment for a mid-course review of the 1-hour attainment demonstration.</p> <p>Region5 Provide relevant guidance on mid-course reviews and process any SIP submittals as necessary.</p>	105/State	<p>A technical support document that describes the analysis for the mid-course review and submittal of any SIP revisions as necessary.</p> <p>December 31, 2004</p>	
40	<p>WDNR Revise Walworth County 1-hour ozone maintenance plan as required by the Clean Air Act. This activity may be superseded by the 8-hour ozone implementation plan.</p> <p>Region 5 Provide relevant guidance on 1-hour maintenance plans and process any SIP submittals as necessary</p>	105/State	<p>A revised 1-hour ozone maintenance plan for Walworth county</p> <p>December 31, 2004</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
41	Region 5 Provide guidance and technical assistance regarding voluntary emission reduction programs or measures.	105/State	July 1, 2004	
42	WDNR Develop or revise and submit to USEPA conformity budgets as necessary.  Region 5 Continue to implement the conformity rules and work with WDNR and MPOs to establish conformity budgets. Conduct adequacy determinations for submitted conformity budgets.	105/State	Determine adequacy and rulemake on conformity budgets for ozone nonattainment and maintenance areas in Wisconsin as necessary.  July 1, 2005	
43	WDNR Work with the Midwest RPO to conduct the analyses in support of Section 110 SIPs for 8-hour ozone, and PM2.5. This work includes photochemical modeling, air quality data analyses and emissions data development.  Region 5 Disseminate relevant guidance and provide technical assistance in the development of Section 110 SIPs for PM2.5.	105/State	Regional chemical transport modeling, emissions data inventories and air quality data analyses that support submittal of Section 110 SIPs for 8-hour ozone and PM2.5.  July 1, 2005	
44	WDNR Participate in the Midwest Regional Planning Organization (RPO) on regional haze planning.  Region 5 Work with WDNR and RPO on regional haze planning. Provide guidance to define control	105/State	Regional chemical transport modeling, emissions data inventories and air quality data analyses that support submittal of a regional haze SIP.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	programs for BART sources.		July 1, 2005	
45	<p>WDNR As necessary, WDNR will develop appropriate materials to support criteria pollutant designations, including redesignations, and classifications.</p> <p>Region 5 Promulgate criteria pollutant designations and classifications in a timely manner. Process redesignations in a timely manner.</p>	105/State	<p>Number of new non-attainments or attainment areas (and their associated populations) for any criteria pollutant. July 1, 2005</p> <p>Redesignation of non-attainment areas (and their associated populations) redesignated to attainment for any criteria pollutant.</p>	
46	<p>WDNR Work with EPA to address any new areas violating a criteria pollutant standard.</p> <p>Region 5 Work with DNR to address any new areas violating a criteria pollutant standard.</p>	105/State		

Determine air emission source compliance with federal and state rules and permit requirements; employ pollution prevention approaches to maintain compliance and take steps to correct instances of non-compliance in a timely manner.

Bill Baumann, Combustion Section Chief - 608/267-7542

#### WDNR Activity Codes

AMTV-01 Exceedance Tracking & Investigation  
AMTV-02 Emission Inventory  
AMTV-05 Federal Major Source Inspection

AMGE-11 Other Stationary Source Inspections  
 AMTV-06 Stack Testing  
 AMTV-07 Continuous Emission Monitoring  
 AMGE-12 Complaint Investigation  
 AMTV-08 Operation of Visible Emission School  
 AMGE-13 Compliance Plan Review  
 AMAV Stage 2 Vapor Recovery  
 AMAS-01 Asbestos Demolition & Renovation  
 AMAS-02 Asbestos Permit Exemption Review  
 AMTV-09 Fuel Sampling & Analysis  
 AMTV-10 Major Source Enforcement  
 AMGE-18 Other Source Enforcement  
 AMES-01 Operation Permit Analysis  
 AMZZ-05 Statewide Quality Assurance Coordination

#### Agreements and Reporting Requirements

September 5, 2000, Memorandum of Understanding on High Priority Violator Enforcement  
 Annual Source Emissions and State Action Report - 40 CFR 51.321  
 Copies of Enforcement Orders - 40 CFR 51.327

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
47	<p>WDNR</p> <p>WDNR will provide outreach and compliance assistance, where the number and complexity of the sources impacted warrant, to the regulated community on new MACT regulations. The level of effort will be determined based on actual promulgation dates and the number of sources determined by WDNR to be affected by the MACT.</p> <p>Region 5</p>	State	Percentage of impacted sources contacted by outreach activities.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	USEPA Region 5 will assist in the MACT compliance assistance outreach effort.			
48	<p>WDNR</p> <p>On July 1, 2003, WDNR will begin implementing its Compliance Monitoring Strategy (CMS) plan for the period July 1, 2003 to June 30, 2005. By May 1, 2005, WDNR will develop and submit to U.S. EPA for review a CMS plan for the subsequent biennium starting July 1, 2005. The CMS plan will set forth WDNR's full compliance evaluation commitments for the biennium, including the number and types of sources to be inspected and will be consistent with U.S. EPA's April 2001 CMS policy. WDNR will provide U.S. EPA quarterly updates detailing additions to and deletions from to their FCE list, along with the reasons for the changes.</p>	State		
49	<p>WDNR &amp; Region 5</p> <p>By November 15, 2003, U.S. EPA and WDNR will prepare a revised outline for the Memorandum of Understanding (MOU), and by April 15, 2004, will have agreed upon a revised and updated MOU that will set forth the respective compliance, enforcement and communication responsibilities between the two agencies. Both agencies will evaluate their performance in relation to the MOU annually as an element of the EnPPA SAR process.</p>	State & Federal	Completion of the revision of the MOU.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
50	<p>As soon as practicable after September 30, 2003, the EPA Region 5 AECA Branch Chief will discuss on one of the monthly EPA/DNR conference calls anticipated EPA initiatives and priorities, as established in the OECA MOA process. The intent of this discussion is to insure that both agencies are well aware of upcoming compliance or enforcement activities which will impact either agency.</p> <p>Over the course of the biennium, WDNR and U.S. EPA will seek to identify areas of possible work sharing. Areas include: compliance and enforcement at State-owned facilities, larger complex facilities, companies with facilities in multiple Region 5 states, and egregious emission violations.</p>	Federal & State	Having no EPA initiative implementation activities begin without prior knowledge by WDNR.	
51	EPA Region 5 will provide WDNR technical support regarding WDNR's data upload into AFS.	Federal	WDNR having capability to electronically upload data to AIRS by September 30, 2003.	

Review the Air Management portion of the WDNR QMP and determine need for changes. Changes will be corrected in 2005 – 07 EnPPA.

Eileen Pierce, General Manufacturing Section Chief – 608/266-1058

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
52	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30 2005. Note - Revisions will be accomplish in the 2005 – 07 EnPPA. Complete review of the program's part of QM		Review completed and problem areas identified.	

**C. Program: Cooperative Environmental Assistance**

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
1	<p>Automobile Mercury Switch Program Develop a mercury switch removal and recycling program for automotive recyclers to remove this source of mercury from being released into the environment. Grant #GL-97571001-1 Lead: Mark Harings 08/01 – 09/04</p>	GLNPO	<p>Number of participating Recyclers and mercury switches recovered. Results will be shared with other states to develop similar programs.</p>	
2	<p>Wisconsin's Collaboration for Pollution Prevention (WIP2) includes partners with Wisconsin Department of Commerce, Dept. of Agriculture, Trade and Consumer Protection, University of Wisconsin-Extension, Solid and Hazardous Waste Education Center, and the Wisconsin Department of Natural Resources. Elimination of Hazardous Air Pollutants (HAP's) through pollution prevention outreach, education, and direct technical assistance. A voluntary pollution prevention program for agricultural dealerships is also included in this grant. Grant #NP97597601 Lead: Mark McDermid 10/1/02 – 9/30/03</p>	Pollution Prevention (P2) Grant Program	<p>Actual or potential: process changes, material substitutions, or equipment changes implemented or attributable to the project.</p> <p>Number of facilities that sign up for the program. Reduction in excess agricultural chemicals kept out of the environment via the volunteer facilities.</p>	

## **D. Drinking Water / Ground Water**

Shared Environmental Goals - USEPA and WDNR agree upon the following Shared Goals:

- Goal 1: All waters in Region 5 will support healthy aquatic biological communities.
- Goal 2: All waters in Region 5 will support fish populations with safe levels of contaminants.
- Goal 3: Designated swimming waters in Region 5 will be swimmable.
- Goal 4: All people in Region 5 served by public water supplies will have water that is consistently safe to drink.
- Goal 5: The quantity and quality of critical aquatic habitat in Region 5, including wetlands, will be maintained or improved.

These goals will assist EPA and Wisconsin in joint priority setting and planning to more effectively target our programmatic work.

USEPA Region 5 & the WDNR will use the following work plan to track which activities will be/are accomplished annually to implement Public Water System Counter Terrorism Technical Assistance and Training, the Public Water System Supervision Program, Drinking Water State Revolving Fund Set-Aside Programs, and the Groundwater component Section 106(b) in Wisconsin. Using this work plan as a framework for annual planning and progress assessment should meet several objectives:

- promote clear understanding of both WDNR and EPA commitments;
- minimize ad hoc requests for program reporting;
- promote judicious use of limited resources to achieve the best possible public health protection;
- support efforts to increase resources by clearly identifying resource and program constraints; and
- promote collaborative inter-agency program planning and implementation.

The work plan includes all major activities required by primacy regulation and primary drinking water regulations, and will guide annual EnPPA discussions leading to grant commitments, work-sharing agreements, and temporary disinvestments that lead to an ARDP. The ARDP reflects what will and will not get done in Wisconsin each year in the aforementioned programs, recognizing that resource reductions have significantly impacted the drinking water and groundwater program in Wisconsin over the past 2 years.

The ARDP acknowledges that not all primacy-related activities will be able to be accomplished in the short-term, specifies where program disinvestments will be made based on annual negotiations, and specifies where EPA may help share workload with the WDNR. It is the intention of both the WDNR and EPA to end all disinvestments and return to full implementation of primacy commitments when adequate resources become available. Listed first in the work plan below are core activities that are fundamental to the integrity of the public health protection program and are not amenable to priority-setting.

### **PUBLIC WATER SYSTEM SUPERVISION PROGRAM**

## CORE STATE ACTIVITIES

Provide an adequate laboratory certification program for all regulated contaminants. This does not mean that States must expand their labs to perform all the analyses. At a minimum, a State should have an adequate certification program to certify commercial labs within the State.

Maintain a data management system that tracks requirements for all rules. This means to have the appropriate combination of hardware, software and personnel to accurately and within a reasonable timeframe identify the inventories, (including routine updates of system information), maintain water quality monitoring information, and track compliance with all M/R, MCL, TT, PN and public information requirements.

Keep adequate records of pertinent State decisions.

Adopt all rules in a timely manner (within two year extension period).

Notify all systems of regulatory requirements and respond to questions.

Determine violations for all rules and report to EPA.

Maintain an adequate enforcement and compliance assistance program (adequacy determined by a decrease in violation frequency).

Develop and implement a plan to provide adequate funding to carry out all functions of the PWSS program.

Maintain a baseline core of individuals with the technical expertise needed, to perform sanitary surveys, plan and spec reviews, and respond to emergencies.

### Acronyms/Abbreviations

As - Arsenic

CCR - Consumer Confidence Report

CPE - Comprehensive Performance Evaluation

CTA - Comprehensive Technical Assistance

CWS - Community Water System

DBP - Disinfection By-Products

D/DBPR - Disinfectants and Disinfection By-Products Rule

DWSRF - Drinking Water State Revolving Fund

EnPPA - Environmental Performance Partnership Agreement

FBRR - Filter Backwash Recycling Rule  
GWR - Ground Water Rule  
GWS - Ground Water System  
GUDI - Ground Water Under the Direct Influence of Surface Water  
HSA - Hydrogeologic Sensitivity Assessment  
IESWTR - Interim Enhanced Surface Water Treatment Rule  
IOC - Inorganic Contaminant  
LCCA – Lead Contamination Control Act  
LCR - Lead and Copper Rule  
LT1/LT2SWTR - Long-Term 1 and Long-Term 2 Surface Water Treatment Rules  
MCL - Maximum Contaminant Level  
M/R - Monitoring/Reporting  
MRDL - Maximum Residual Disinfectant Level  
NCWS - Non-Community Water System  
NPDWR - National Primary Drinking Water Regulation  
NTNCWS - Non-Transient Non-Community Water System  
OCCT - Optimal Corrosion Control Treatment  
pCi/L - picoCurie per liter  
PN - Public Notification  
ppb - part per billion  
PWS - Public Water System  
PWSID - Public Water System Identification  
PWSS - Public Water System Supervision  
Rads - Radionuclides  
SDWIS/FED - Safe Drinking Water Information System/ Federal  
SNCs - Significant Non-Compliers  
SOC - Synthetic Organic Contaminant  
SWTR - Surface Water Treatment Rule  
TCR - Total Coliform Rule  
TNCWS- Transient Non-Community Water System  
TT - Treatment Technique  
UCMR - Unregulated Contaminant Monitoring Rule  
VOC - Volatile Organic Contaminant  
WBDO - Waterborne Disease Outbreak  
WQP - Water Quality Parameter

## Resource Deployment Plan Table of Contents

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- SWTR

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### 5 – Implement the NPDWRs for Nitrate and Nitrite

### 6 – Implement and Enforce Radionuclide NPDWRs

### 7 – Implement NPDWRs for VOCs

### 8 – Implement NPDWRs for SOC

### 9 – Adopt & Implement NPDWRs for IOCs (including As)

### 10 – Adopt & Implement the D/DBPRs

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#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
1	Prepare for Security Threats at PWSs	Security Grant	The WDNR has committed to completing all of these activities.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
1.1	Develop and update an electronic security alert system	“ “		
1.2	Participate in Emergency Management exercises	“ “		
1.3	Provide basic security guidance to all municipal water system owners	“ “		
1.4	Review security plans created by communities serving greater than 100,000 persons	“ “		
1.5	Implement regional drinking water security contacts to provide technical assistance and training to system owners and the public	“ “		
1.6	Establish and monitor contracts that develop self-evaluation procedures for small and medium-sized PWSs, and provide technical assistance and training to small and medium-sized PWS owners and operators in conducting a drinking water systems security self-evaluation	“ “		
1.7	Track status of security assessments	“ “		
1.8	Update security guidance for Drinking Water Program Staff	“ “		
1.9	Compile a status report on PWS security readiness	“ “		
1.10	Develop and monitor contracts to develop a protocol and provide technical assistance for exercising emergency response plans.	“ “		
1.11	Develop and monitor contracts to develop a uniform, statewide neighborhood watch plan to provide protection of water systems	“ “		
1.12	Integrate ongoing oversight of emergency response plans into the existing sanitary survey process	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
1.13	Update security guidance for drinking water/groundwater program staff and increase communication capabilities.	“ “		
<b>2</b>	<b>Implement SWTRs</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR has committed to completing all of these activities, except where noted.	
2.1	Adopt all rules in a timely manner (within 2 year extension period)	“ “		
2.2	Notify all surface water systems of their regulatory requirements.	“ “		
2.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the Surface Water Treatment Rules. Note: While monitoring requirements are automated (i.e. routine monitoring requirements are automatically assigned) violation of Treatment Techniques (TT's) will be tracked manually and data entered into the system. It is too expensive to automate program for only 19 surface water systems.	“ “		
2.4	Electronically report all TT, M/R, & PN violations & inventory updates to SDWIS/FED for all surface water systems*.	“ “		
2.5	Conduct sanitary surveys at surface water systems.	“ “	WDNR inspectors will stay on a 5-yr san. survey schedule for municipal surface water systems as long as each receives an annual inspection.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
2.6	Ensure that all surface water and GUDI systems that notify the State that they recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes, return these flows through the processes of a systems's existing conventional or direct filtration system, or at an alternate location approved by the State.	“ “		
2.7	Use sanitary surveys, CPEs, other inspections, or other activities to evaluate recycled backwash water practices when they occur at surface water and GUDI systems. When those practices are not in compliance with the FBRR require the system to modify the practices to achieve compliance.	“ “		
2.8	Ensure that filter/disinfection practices are adequate to achieve inactivation/removal requirements for regulated microbial contaminants found in surface water sources.	“ “		
2.9	Follow-up on turbidity TT violations.	“ “		
2.10	Follow-up on individual filter turbidity M/R violations.	“ “		
2.11	When required, track the completion of CPE/CTA for PWSs where the cause/solution of turbidity problems are unclear.	“ “		
2.12	Ensure that a residual disinfectant concentration is measured according to rule requirements.	“ “		
2.13	Report treatment data ( e.g., treatment codes for all surface water, GUDI, and purchased GUDI sources, seller's PWSID number for purchased surface water and purchased GUDI sources, etc.)	“ “		
2.14	Ensure that disinfection profiling and benchmarking is conducted when required by rule.	“ “		
2.15	Ensure that all required records are kept by surface water systems.	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
2.16	Complete remaining GUDI determinations. Due to existing resource constraints, DNR does not currently plan to revise it's methodology or make new GUDI determinations.	“ “	USEPA is unaware of any work being done by the WDNR to determine PWSs that are GUDI since 1992. At that time no GUDI municipal CWSs were determined to exist in Wisconsin. No work has been done on determining GUDI for other PWS types.	
2.17	When required, track the completion of CPE/CTA for PWSs where the cause/solution of turbidity problems are clear.	“ “		
<b>3</b>	<b>Implement TCR</b>	PWSS/ Program Mgmt. Set-aside/ State	The last data verification report noted that the WDNR's tracking & compliance determination for TCR was excellent. The WDNR has committed to completing all of these activities, except where noted.	
3.1	3.1 - Notify all public water systems of their regulatory requirements.	“ “	The WDNR should check that all PWSs on reduced monitoring are current for san. survey inspections or increase their monitoring frequency in accordance with the TCR.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
3.2	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the TCR.	“ “		
3.3	Electronically report all TCR MCL, M/R and PN violations and inventory updates to SDWIS/FED for all public water systems.*	“ “		
3.4	Follow-up on all MCL violations and determine a proper course of action to ensure public health protection.	“ “		
3.5	Follow-up on all M/R violations.	“ “	The WDNR commits to recording, but not following up on minor M/R violations.	
<b>4</b>	<b>Adopt &amp; Implement the GWR</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities after adoption, except where noted.	
4.1	Adopt the GWR in a timely manner (within two year extension period).	“ “		
4.2	Notify all public water systems of their regulatory requirements.	“ “		
4.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the GWR.	“ “		
4.4	Electronically report all TT, M/R and PN violations and inventory updates to SDWIS/FED for all public water systems.	“ “		
4.5	Conduct sanitary surveys every 3 years at CWSs, and every 5 years at NCWSs served by a groundwater source that do not have a certified	“ “	The WDNR may need to negotiate a reduction in the sanitary survey	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	operator.		frequency for small municipal and other public water systems if resources remain steady or decline further.	
4.6	Conduct sanitary surveys every 3 years at CWSs, and every 5 years at NCWSs served by a groundwater source that had a TCR MCL violation in the last 5 years, the cause of which was not clearly known.	“ “	The WDNR may need to negotiate a reduction in the sanitary survey frequency for small municipal and other public water systems if resources remain steady or decline further.	
4.7	Conduct sanitary surveys every 3 years at CWSs, and every 5 years at NCWSs served by a groundwater source that were assessed to be susceptible to <i>E. coli</i> during the source water assessment.	“ “	The WDNR may need to negotiate a reduction in the sanitary survey frequency for small municipal and other public water systems if resources remain steady or decline further.	
4.8	Determine appropriate corrective actions for PWSs that collect a fecal indicator-positive source water sample or that have significant deficiencies identified in a sanitary survey.	“ “		
4.9	Conduct an HSA to determine which GWSs have wells located in karst, fractured bedrock, or gravel settings that are not protected by a hydrogeologic barrier.	“ “		
4.10	Follow-up on corrective action reporting violations.	“ “		
4.11	Follow-up on M/R violations.	“ “		
4.12	Follow-up on WBDO reporting violations.	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
4.13	Conduct sanitary surveys every 3 years at all CWSs and every 5 years at all NCWSs not represented in activities 4.5, 4.6, and 4.7.	“ “	The WDNR may need to negotiate a reduction in the sanitary survey frequency for small municipal and other public water systems if resources remain steady or decline further.	
4.15	Follow-up on other discovered recordkeeping/reporting violations.	“ “		
<b>5</b>	<b>Implement NPDWRs for Nitrate and Nitrite</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR has committed to completing all of these activities.	
5.1	Notify all public water systems of their regulatory requirements.	“ “		
5.2	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and tracks nitrate/nitrite violations.	“ “	The last data verification noted 1 CWS, 3 NTNCWSs, and 1 TNCWS where nitrate or nitrite samples were not collected by the PWS and no associated violation was reported to SDWIS. The WDNR should ensure that all nitrate/nitrite sampling violations are reported to SDWIS.	
5.3	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
5.4	Follow-up on all MCL violations and determine a proper course of action to ensure public health protection.	“ “		
5.5	Follow-up on SNC M/R violations and M/R violations that occur at schools or day cares. Explain how schools and day cares M/R violators will be identified and tracked.	“ “		
5.6	Follow-up on M/R violations for systems that had levels $\geq 50\%$ MCL in last 3 years. Explain how systems that had levels at or above 50% MCL, including transient systems, will be identified and tracked.	“ “		
5.7	Follow-up on all other M/R violations.	“ “		
<b>6</b>	<b>Implement and Enforce Radionuclide NPDWRs</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR has committed to completing all of these activities, except where noted.	
6.1	Adopt all rule changes in a timely manner (within two year extension period).	“ “		
6.2	Notify all public water systems of their regulatory requirements.	“ “		
6.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for radionuclides.	“ “		
6.4	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “		
6.5	Enforce the MCLs for radionuclide NPDWRs in effect before December 7, 2000.	“ “	With permission of administration and	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
			depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	
6.6	Follow-up on new MCL violations.	“ “	With permission of administration and depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	
6.7	Follow-up on M/R violations that endure for $\geq 2$ compliance periods.	“ “	With permission of administration and depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	
6.8	Follow-up on M/R violations at regulated systems with a history of gross alpha measurements $> 5$ pCi/L in last 3 years.	“ “	With permission of administration and depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	
6.9	(Follow-up on radon M/R violations at regulated systems with a history of radon detection $\geq 50\%$ of the MCL).	“ “	With permission of administration and depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
6.10	Follow-up on all other M/R violations.	“ “	With permission of administration and depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5. In the last data verification report, it was noted that there were cases when samples were collected with Gross Alpha results > 5 pCi/L, but no follow-up sampling for radium 226/228 occurred. The WDNR should ensure that all Gross Alpha detects > 5 pCi/L are followed-up with the required sampling for Ra 226/228.	
7	<b>Implement NPDWRs for VOCs</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities.	
7.1	Notify all public water systems of their regulatory requirements.	“ “		
7.2	Maintain a data base mgmt system that accurately tracks the inventory (including routine updates of system information), and violations for VOCs.	“ “		
7.3	Electronically report all VOC M/R and MCL	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	violations and inventory updates to SDWIS/FED for all public water systems.*]			
7.4	Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level) and MCL violations that occur at a PWS for > 1 year and take an appropriate course of action that ensures public health protection.	“ “		
7.5	Follow-up on all other MCL violations.	“ “		
7.6	Enforce against PWSs with M/R violations that endure for >=2 compliance periods and M/R violations at systems that have historic results that are not reliably and consistently below the MCL.	“ “	The WDNR will follow-up on VOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations	
7.7	Follow-up on all other M/R violations.	“ “	<p>The WDNR will follow-up on VOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations.</p> <p>In the last DV report, a few instances were reported where VOC M/R violations were not reported to SDWIS or required monitoring requirements were cancelled due to</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
			confusion over what's allowed under the WDNR's waiver program. The WDNR should ensure that staff are well versed in State waiver requirements so that M/R violations are reported and M/R requirements are not cancelled.	
8	<b>Implement NPDWRs for SOC</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities after adoption, except where noted. The WDNR plans to expand monitoring waivers for PCBs and dioxin. Please provide any changes to the Phase 2/5 monitoring waiver program to Region 5 for approval and filing.	
8.1	Notify all public water systems of their regulatory requirements.	“ “		
8.2	Maintain a data base mgmt system that accurately tracks the inventory (including routine updates of system information), and violations for the SOC.	“ “		
8.3	Electronically report all SOC violations and inventory updates to SDWIS/FED for all public water systems.*	“ “	In the last DV report, M/R violations for Phase 2/5 contaminants were found and no public notice was noted in the	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
			database. WDNR should track & report all PN violations & enter them into SDWIS.	
8.4	Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level) and that have an MCL violations that occur at a PWS for > 1 year and take an appropriate course of action that ensures public health protection.	“ “		
8.5	Follow-up on all other MCL violations.	“ “		
8.6	Enforce against PWSs with M/R violations that endure for >=2 compliance periods and M/R violations at systems that have historic results that are not reliably and consistently below the MCL	“ “	The WDNR will follow-up on SOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations	
8.7	Follow-up on all other M/R violations.	“ “	The WDNR will follow-up on SOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations. The last DV report identified at least one failure to sample SOC as directed by waiver. The WDNR should ensure that waiver procedures are being followed.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
9	<b>Adopt &amp; Implement NPDWRs for IOCs (including As)</b>	PWSS/ Program Mgmt. Set-aside / State	The WDNR commits to all activities after adoption.	
9.1	Adopt As rule changes in a timely manner (within two year extension period).	“ “		
9.2	Notify all public water systems of their regulatory requirements.	“ “		
9.3	Maintain a data base mgmt system that accurately tracks the inventory (including routine updates of system information), and violations for the IOCs.	“ “		
9.4	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “		
9.5	Carry out enforcement against CWSs that serve drinking water that contains > 50 ppb Arsenic to ensure reductions below the current MCL.	“ “		
9.6	Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level) and MCL violations that occur at a PWS for > 1 year and take an appropriate course of action that ensures public health protection.	“ “		
9.7	Follow-up on new MCL violations.	“ “		
9.8	Enforce against PWSs with M/R violations that endure for >=2 compliance periods and M/R violations at systems that have historic results that are not reliably and consistently below the MCL	“ “	The WDNR will follow-up on IOC violations, but are considered lower priority to micro-biological, nitrate/nitrite, and radionuclide M/R violations	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
9.9	Follow-up on all other M/R violations.	“ “	The WDNR will follow-up on IOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations	
<b>10</b>	<b>Adopt &amp; Implement the D/DBPRs</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities.	
10.1	Adopt all rule changes in a timely manner (within two year extension period).	“ “		
10.2	Notify all public water systems of their regulatory requirements.	“ “		
10.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the D/DBP rule.	“ “		
10.4	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “		
10.5	Follow-up on chlorine dioxide MRDL violations.	“ “		
10.6	Follow-up on all other MCL/MRDL violations.	“ “		
10.7	Ensure that Subpart H systems using conventional filtration operate in compliance with the DBP precursor control treatment technique requirements.	“ “		
10.8	Follow-up on all M/R violations.	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
10.9	Determine which systems do not qualify for reduced monitoring and inform them they must return to the routine monitoring frequency.	“ “		
10.10	Follow-up on all other reporting requirement violations.	“ “		
11	<b>Implement the Lead &amp; Copper Rule</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities.	
11.1	Adopt LCR minor revisions in a timely manner (within two year extension period).	“ “		
11.2	Notify all public water systems of their regulatory requirements.	“ “	The WDNR should examine schools and office sampling plans, to ensure they are not exempting water coolers from sampling under the incorrect assumption that they are being monitored under the LCCA.	
11.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the Lead and Copper Rule.	“ “		
11.4	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “	The last DV report noted the following discrepancies: Sampling fewer than the minimum number of 5 samples. The WDNR	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p>should make all PWSs collect a minimum of 5 samples.</p> <p>Failure to complete one or more follow-up actions to an action level exceedance correctly.</p> <p>The WDNR should make sure that follow-up actions are completed in a timely manner and report violations when this is not done.</p> <p>Some action level exceedances were not reported to EPA. Please ensure that they always are.</p> <p>Reporting the wrong violation code in SDWIS. This problem has already been corrected. The DV team recommends that LCR violations should be maintained in the database, reported to SDWIS, and resolved with an SOX code, rather than canceled or rescinded</p>	
11.5	Designate OCCT and follow-up on OCCT installation violations at all required CWSs.	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
11.6	Designate OCCT and follow-up on OCCT violations at all NTNCWSs that likely serve water to sensitive subpopulations (ie: schools, daycares). Explain how schools and day care M/R violators will be identified and tracked.	“ “		
11.7	Follow-up on SNC M/R violations when lead was detected >5 ppb at 90 <sup>th</sup> percentile in the last round of initial tap sampling conducted. Explain how these systems will be identified and tracked.	“ “		
11.8	Follow-up on all SNC M/R violations.	“ “		
11.9	Follow-up on all other M/R violations when lead was detected > 5 ppb at 90 <sup>th</sup> percentile in last round of reduced sampling conducted. Explain how schools and day cares M/R violators will be identified and tracked.	“ “		
11.10	Optimize corrosion control at NTNCWSs that are unlikely to serve water to sensitive sub-populations.	“ “		
11.11	Set water quality parameter ranges for all PWSs that are required to optimize corrosion control.	“ “		
11.12	Incorporate minor rule revisions into state oversight and enforcement operations.	“ “		
12	<b>Implement the Sodium NPDWR</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities.	
12.1	Notify all public water systems of their regulatory requirements.	“ “		
12.2	Maintain a data base management system that	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	accurately tracks the inventory (including routine updates of system information), and violations for sodium M/Rs.			
12.3	Notify appropriate local and State health departments of the sodium levels in CWS drinking water.	“ “		
12.4	Follow-up on M/R violations.	“ “		
<b>13</b>	<b>Implement the PN Rule</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities, except where noted.	
13.1	Notify all public water systems of their public notification requirements.	“ “		
13.2	Maintain a data base management system that accurately tracks PN violations.	“ “		
13.3	Electronically report all public notification violations to SDWIS/FED*.	“ “		
13.4	Follow-up on all Tier 1 violations.	“ “		
13.5	Follow-up on all Tier 2 violations.	“ “		
13.6	Follow-up on all Tier 3 violations.	“ “	The WDNR will report but not enforce Tier 3 violations. The last data verification report noted some instances where M/R violations returned to compliance, but there was no evidence that public notice was issued.	
<b>14</b>	<b>Implement the CCR Rule</b>	PWSS/ Program Mgmt. Set-aside/	The WDNR commits to all activities, except where noted.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
		State		
14.1	Notify all regulated water systems of their CCR requirements.	“ “		
14.2	Maintain a data base management system that accurately tracks CCR violations.	“ “		
14.3	Electronically report all CCR violations to SDWIS/FED*.	“ “		
14.4	Enforce the rule when the water system never issued a CCR or has not issued one for > 2 years.	“ “	The WDNR will report but not enforce CCR violations for non-municipal water systems	
14.5	Enforce the rule when the water system has not issued a CCR in last 2 years.	“ “	The WDNR will report but not enforce CCR violations for non-municipal water systems. WDNR will share these violations with EPA Region 5 for assistance with enforcement.	
14.6	Enforce the rule when the water system did not issue a CCR for the previous year, or issued one with insufficient content.	“ “	The WDNR will report but not enforce CCR violations for non-municipal water systems. WDNR will share these violations with EPA Region 5 for assistance with enforcement.	
<b>15</b>	<b>New Inventory Reporting Requirements</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to report all mandatory information.	
15.1	Make programming changes to meet changes to	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	reporting requirements, including the new inventory requirements effective in FY 2000.			
<b>16</b>	<b>Prepare &amp; Submit the Annual Compliance Report (ACR)</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR plans to minimize the size and complexity of the ACR to the maximum extent possible. They will use EPA's frozen data to do the report so that there are no data differences.	
16.1	Prepare and submit an ACR. Provide a summary of the number and % of systems (by system type) in compliance with monitoring requirements, by rule, as part of this report. Review and provide input to ACR data verification reports sent by the Region or USEPA Headquarters.	“ “		
<b>17</b>	<b>Variances and Exemptions</b>	PWSS/ Program Mgmt. Set-aside/ State		
17.1	Follow all Federal variance and exemption requirements when allowed in Wisconsin	“ “		
<b>18</b>	<b>Operator Certification Program</b>	Program Mgmt. Set-aside/ State	The WDNR commits to all activities	
18.1	Annually provide documentation to EPA showing the ongoing implementation of the Operator Certification Program to avoid 20% withholding	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	of the DWSRF capitalization grant. Due Date – September 30, 2003			
18.2	Certify surface water system operators.	“ “		
18.3	Certify operators at systems with a history of violations.	“ “		
18.4	Provide training for community and non-community operators that have never been certified.	“ “		
18.5	Certify CWS operators that have never been certified before.	“ “		
18.6	Certify NTNCWS operators that have never been certified before.	“ “		
18.7	Renew certification of previously certified operators.	“ “		
<b>19</b>	<b>Capacity Development Program</b>	Program Mgmt. Set-aside	The WDNR commits to all activities  EPA is concerned about the inability of the WDNR to maintain a Capacity Development Coordinator to maintain program continuity.	
19.1	Annually provide documentation to EPA showing the ongoing implementation of both the new systems program and the existing systems strategy to avoid 20% withholding of the DWSRF capitalization grant.  Due Date - September 30, 2003	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
19.2	Submit to EPA a list of CWSs & NTNCWSs that have a history of significant non-compliance and the reasons for noncompliance [SDWA, Section 1420(b)(1)].  Due Date - July 15, 2005	“ “		
19.3	Submit a report to the Governor on the efficacy and progress toward improving the capacity of water systems in Wisconsin.  Due Date: October 1, 2005			
<b>20</b>	<b>Source Water Assessment Program</b>	Wellhead Protection Set-aside	The WDNR commits to all activities	
20.1	Conduct source water assessments according to the methodology defined in the State Source Water Assessment Program (SWAP) and approved modifications.	“ “		
20.2	Report the percentage of assessments completed.	“ “	100% completed by December 31, 2004.	
20.3	Report the percentage of population served by CWSs with protection programs in place.	“ “	100% by December 31, 2004.	
<b>21</b>	<b>Manage the DWSRF</b>	DWSRF Admin Set-aside	The WDNR commits to all activities	
21.1	Ensure State submits a capitalization grant application annually, in order to receive a capitalization grant.  Submit grant application by Aug 1 <sup>st</sup>	“ “		
21.2	Complete 2003 Drinking Water Infrastructure	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	Needs Survey Report			
21.3	Submit Intended Use Plans, Project Priority Lists, and fundable list of projects each year.	“ “		
21.4	Submit workplans for each set-aside activity authorized in WI that meet minimum content requirements. The State will provide a separate annual progress report for the Wellhead Protection, Source Water Assessment, Technical Assistance, Capacity Development & Operator Certification Set-asides, in the form of the State's annual DWSRF report.	“ “		
<b>22</b>	<b>Implement the UCMR</b>	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities	
22.1	Implement all activities as per Partnership Agreement	“ “		

\* Also, report when violations return to compliance; and, as requested in Region 5's quarterly letter transmitting the most recent list of unaddressed significant noncompliers (SNCs), report, as part of your next regular quarterly SDWIS/FED data submission, when the State took formal enforcement actions, or deactivated these systems, and correct any data errors that made systems SNCs.

### Drinking Water and Groundwater – QMP

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
23	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30 2005. Note - Revisions will be accomplish in the 2005 – 07 EnPPA.		Review completed and problem areas identified.	

## Drinking Water and Groundwater – 106 Groundwater

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
<b>1</b>	<b>Groundwater (gw) Coordination.</b>	106 Groundwater/state		
1a	Facilitate the meetings of the GCC and its subcommittees.		Report Annually to the legislature by August 31 <sup>st</sup> .	
1b	Review and comment on proposed federal groundwater quality initiatives.			
1c	Review gw quality impacts within WI and develop gw quality standards (NR 140).		Propose standards as needed.	
1d	Assess and evaluate all current potential gw contaminants on the gw list.		Review & consolidate occurrence data.	
1e	Coordinate inter and intra-agency gw quality standard setting and implementation process.		Proceed with cycle 8.	
1f	Participate in the development of gw quantity legislation.		Help coordinate various factions and their proposed legislative verbiage.	
1g	Allocate sufficient hours to support the needs for gw related activities related to other program needs.		Coordinate with RR, WA, WT programs & participate on teams to provide consistency.	
<b>2</b>	<b>Groundwater Data Management.</b>	106 Groundwater/state		
2a	Provide access to SLOH processed data to other State agencies.		Continue to provide data complete information in a useable format.	
2b	Provide QA/QC check on gw data.			
2c	Continue to evolve/improve the GRN system.		Evolve GRN and EQ sample point table to meet new agency stds.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
2d	Improve geolocational parameters on potential pollution sources & wells.		Continue to update GIS layers as more accurate/complete data arrives.	
2e	Evolve guidance on GPS use & capture, as needed.			
2f	Evolve consistent guidance on potential contaminant capture & evaluation.			
<b>3</b>	<b>Groundwater Monitoring.</b>	106 Groundwater/state		
3a	Monitor Ambient Water Quality and Assess Special needs Monitoring.		Complete 2 "status of the resource" vignettes by mid 2004.	
3b	Develop/evolve groundwater monitoring strategy.		Strategy report complete by mid 2004.	
3c	Coordinate intra-agency solicitation for research/monitoring on special needs monitoring.		Complete by June 30, 2004.	
3d	Manage research/monitoring projects.		Continue to manage projects, as funded.	
<b>4</b>	<b>Wellhead Protection.</b>	106 Groundwater/state		
4a	Meet SDWA WHP requirements.		Produce WHP reporting document	
4b	Implement approved WHP program.		Continue to track implementation, & provide feedback on WHP ordinances.	
4c	Continue to provide outreach on WHP.		Produce and distribute WHP newsletter.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
4d	Meet with communities interested in implementing WHP.		Report the number and percentage of municipal CWSs who received a hand-delivered copy of their SWA, and at the same time were given an opportunity to discuss wellhead protection planning and implementation with WDNR staff.	
4e	Evolve WHP & SWAP to SWP.			
4f	Revise web-based information for easier access to citizens and water purveyors.		Revise web to meet new agency standards by spring of 2004.	
<b>5</b>	<b>Monitoring Well Construction Regulation.</b>	106 Groundwater/state		
5a	Provide a QA/QC standard for providing consistent gw quality samples from monitoring wells.			
5b	Continue to be the central hub for information related to the development, construction, and abandonment of monitoring wells.		Respond to all calls and requests for information.	
5c	Provide training on the methodologies for monitoring well construction.		Complete WCR regional training mid 2004.	
5d	Monitor evolving federal regulation/guidance on monitoring well installation.			
<b>6</b>	<b>Groundwater Information &amp; Education.</b>	106 Groundwater/state		
6a	Provide public sessions on WHP/SWP, GW quality standards, and general information on gw.			

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
6b	Provide staff resources to other Bureaus and Divisions on gw resource issues.		Coordinate with RR, WA, WT, forestry, lands programs. Review documents & participate on their teams.	
6c	Participate in the Education Telephone Network (ETN) conference calls.		Quarterly calls.	
6d	Train teachers on use of gw sand tank model.		3 sessions including approximately 50 teachers, spring of 04.	
7	<b>Keep staff technologically current.</b>	106 Groundwater/state		
7a	Participate in national meetings on topics which are relevant to the state's gw program.			
7b	Participate EPA sponsored events related to various federally driven gw requirements.			
7c	Participate in inter and intra-state meetings relevant to common gw issues.			
7d	Complete tasks which are needed to implement gw program.			

## Drinking Water and Groundwater – Underground Injection Control

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
1	UNDERGROUND INJECTION CONTROL (UIC) ASSESSMENT ACTIVITIES: Conduct inspections of municipal storm water drainage wells and other facilities identified as having motor vehicle waste fluid disposal wells.	UIC Grant GPR SEG-GW	WDNR will conduct a routine inspection of 40 injection wells annually.	
2	UIC INVENTORY ACTIVITIES: Review and evaluate information on potential sources of drinking water contamination obtained through the Source Water Assessment program and maintain an inventory of any injection wells that are found.	UIC Grant GPR SEG-GW	Annually, WDNR will report the class, type, and number of injection wells maintained in the state injection well inventory to EPA Region 5 within ten (10) days of the end of the calendar year.	
3	UIC REGULATORY ACTIVITIES: Develop and maintain MOUs with other state agencies or regulatory programs that share authority for overseeing activities that are subject to UIC regulations; review applications seeking authorization to use injection wells for beneficial purposes such as soil or groundwater remediation, aquifer storage recovery, subsidence control, or scientific studies related to the groundwater resources of Wisconsin; disseminate information to state and local agencies or the general public regarding the ban on large-capacity cesspools and motor vehicle waste fluid disposal wells; and gather additional information on other injection practices that may be occurring within the state.	UIC Grant GPR SEG-GW	WDNR will provide copies of all UIC-related MOUs to EPA Region 5 during the UIC program primacy agreement revision process.  State administrative rules have prohibited the use of cesspools since 1980. As it specifically applies to large-capacity cesspools, WDNR will continue to work with the Wisconsin Department of Commerce to enforce this prohibition.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p>If a drain is to be installed to receive wastewater from any floor area on which a motorized vehicle can be driven, state regulations require that any drain installed in an area where vehicles will be serviced shall discharge through a catch basin or oil interceptor that is connected to a municipal sewer or holding tank approved to receive industrial wastewater. WDNR will work with the Wisconsin Department of Commerce to ensure that this requirement is applied statewide.</p> <p>During the period covered by this agreement, WDNR will also develop and disseminate outreach materials to facilities that may have older non-complying plumbing systems. State inspection and enforcement activities conducted to</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p>ensure that all existing motor vehicle waste disposal wells are either closed or converted in accordance with federal law will focus first on facilities located in source water assessment areas delineated for public water systems.</p> <p>WDNR will provide information on Class V rule implementation and other UIC activities identified in the annual state UIC workplan as part of the mid-year and end-of-year reports submitted to EPA Region 5.</p>	
4	UIC ADMINISTRATIVE ACTIVITIES: Review and revise state administrative rules pertaining to the UIC program; prepare quarterly Financial Status Reports; complete annual state UIC grant application; and maintain state-federal UIC primacy documents.	UIC Grant GPR SEG-GW	<p>Annually, WDNR will submit the annual UIC grant application to EPA Region 5 by the September 1 application deadline.</p> <p>WDNR will submit Financial Status Reports and completed 7520 forms to EPA Region 5 on a quarterly basis.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p>WDNR and EPA Region 5 will establish a timeline for the approval of a revised state-federal UIC program primacy agreement.</p> <p>EPA Region 5 will conduct an audit of WDNR's UIC program once every three years (last audit completed in 2002, next audit in 2005).</p>	
5	UIC PROGRAM INTEGRATION ACTIVITIES: Participate on WDNR teams dealing with environmental remediation, storm water management, source water assessment and protection, wastewater management, and waste minimization/pollution prevention.	UIC Grant GPR SEG-GW	WDNR will report on UIC program integration activities as part of the mid-year and end-of-year reports submitted to EPA Region 5.	
6	UIC ENFORCEMENT ACTIVITIES: Oversee closure of unauthorized or otherwise illegal injection wells; review well closure plans and other documents submitted to the Department as part of the well abandonment process; conduct field investigations in response to staff reports of groundwater/ drinking water contamination events or citizen complaints; and provide information to the regulated community regarding well maintenance and closure requirements.	UIC Grant GPR SEG-GW	WDNR will report the number of injection wells closed, the number of injection wells with violations, and the number of injection wells with significant violations to EPA Region 5 on a quarterly basis via the 7520 form submittal	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			process.	
7	GENERAL ADMINISTRATIVE ACTIVITIES: Tasks that support the development and administration of the state UIC program but which are not specifically assignable to a UIC-related time code: personnel management, specialized skill training & professional development, or division and bureau work planning.	UIC Grant  GPR  SEG-GW	WDNR will participate in local, state, regional, and national meetings related to the protection of drinking water sources and groundwater resources.	

## E. Remediation and Redevelopment

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
1	WDNR conducts Long Term Remedial Action activities at the Better Brite State Lead Superfund site.	Superfund Better Brite CA/State	Review semi-annual groundwater monitoring data; review pretreatment data.	
2	WDNR provides support to EPA on EPA Lead Ashland NSP/Lakefront Superfund site toward completion of the ROD.	Superfund Ashland NSP/Lakefront CA	Complete ROD	
3	WDNR conducts Long Term Remedial Action activities at the Onalaska Municipal Landfill State Lead Superfund site.	Superfund Multisite Support CA/State	Manage monitoring and operation and maintenance activities per the Onalaska Municipal Landfill Superfund State Contract.	
4	WDNR conducts and completes degree and extent and capture zone site investigation for the Oconomowoc Electroplating, Inc. Superfund site.	Superfund Multisite Support CA/State	Complete site investigation to determine degree and extent of capture zone.	
5	WDNR provides support to EPA on EPA Lead Superfund sites. WDNR completes the following 5 Year Reviews: Algoma, Mid-State, Scrap Processing. EPA completes the following 5 Year Review: Fadrowski.	Superfund Multisite Support CA/State	Sites proceed through RI/FS, RD, RA and LTRA/PCRA phases. Five Year Reviews are completed as follows: Fadrowski 9/30/03, Algoma 6/1/04, Mid-State 6/30/04, Scrap Processing 6/30/04.	

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
6	WDNR provides project management on State Lead RP financed Superfund sites. EPA completes the following 5 Year Reviews: Hechimovich, Sauk County Landfill.	RP/Cost Recovery/ State	Sites proceed through RI/FS, RD, RA and LTRA/PCRA phases. Five Year Reviews are completed as follows: Hechimovich 3/31/04, Sauk County Landfill 9/30/04.	
7	WDNR administers the Superfund program by conducting program management and program support functions.	Superfund Core CA/State	Program management and support functions provided per the annual Superfund Core CA work plan.	
8	WDNR reports semi-annually on the number of construction completions on State Lead Superfund sites. EPA reports semi-annually on the number of construction completions on EPA Lead Superfund sites.	Superfund Core CA/State	Sites with construction completions.	
9	WDNR provides support to EPA in the coordination of Superfund removals. EPA conducts Superfund removals.	Superfund Site Assessment CA	Removals coordination provided per the annual Superfund Site Assessment CA work plan.	
10	WDNR reports annually to EPA the number of final Superfund Site Assessment decisions.	Superfund Site Assessment CA	The number and type of determinations per the annual Superfund Site Assessment CA work plan.	
11	WDNR Superfund program managers actively participate in twice a year face to face meetings with EPA Region 5 Superfund program managers	Superfund Core CA/State	Managers meet twice per year.	

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	(if WDNR's travel policy allows for participation in out-of-state meetings) and, as needed, in other meetings or phone calls on program issues or project specifics.			
12	WDNR administers the RCRA corrective action program to meet GPRA goals including program management, grant development, data management, reporting, etc. EPA provides assistance to WDNR upon request with GPRA goal activities (EI determinations).	Hazardous Waste CA/State	Program management and support functions provided.	
13	WDNR tracks progress of sites in the corrective action pipeline. For state lead corrective action projects, send appropriate site progress information to the Waste Program for entry into the RCRA Info. data system.	Hazardous Waste CA/State	Site progress information provided to the Waste Program for entry into RCRA Info. data system.	
14	WDNR provides project management and oversight for sites being addressed under the RCRA corrective action program, including EI determinations and EI form completion, sites where a release of hazardous waste to the environment has occurred, or sites that require management of media defined as hazardous waste.	Hazardous Waste CA/State	Sites proceed through investigation, evaluation and selection of remedial alternatives, implementation of remedy, and case close out.	
15	WDNR provides assistance to EPA on federal lead RCRA corrective action sites. EPA will provide the necessary contract assistance on State Lead CA projects, as requested.	Hazardous Waste CA/State	Comments provided to EPA to ensure consistency with WDNR environmental requirements.	

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
16	WDNR program manager (section chief) will actively participate in twice a year (or as needed) face to face meetings (assuming WDNR's guidelines for out-of-state travel allow) with EPA Region 5 RCRA corrective action program managers, and as needed, quarterly phone calls on program issues or project specifics.	Hazardous Waste CA/State	Managers meet or have phone calls on a quarterly frequency.	
17	WDNR will work with Local Governments and Lenders to encourage their participation in our enforcement discretion liability pilot. WDNR will track all projects where the use of enforcement discretion is applied and transmit an annual progress report to EPA Region 5.	Lender/LGU Liability Pilot CA	Annual progress report on the use of this liability pilot is provided to EPA.	
18	Undertake corrective action at sites where groundwater or soil is affected by petroleum contamination from USTs. WDNR reports semi-annually on the total known number of LUST cleanups initiated under the jurisdiction of WDNR.* EPA reports semi-annually on the total known number of LUST cleanups initiated under federal jurisdiction on tribal lands.	LUST/State	Agencies report on the number of cleanups initiated for sites under their jurisdiction.	
19	Complete corrective action at sites where groundwater or soil is affected by petroleum contamination from USTs. WDNR reports semi-annually on the total known number of LUST cleanups completed under the jurisdiction of WDNR.* EPA reports semi-annually on the total known number of LUST cleanups completed	LUST/State	Agencies report on the number of cleanups completed for sites under their jurisdiction.	

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	under federal jurisdiction on tribal lands.			
20	Promote compliance with UST requirements in order to reduce the number of releases to the environment. WDNR reports semi-annually on the number of LUST releases confirmed that fall under the jurisdiction of WDNR.* EPA reports semi-annually on the number of LUST releases under federal jurisdiction on tribal lands that were confirmed.	LUST/ State	Agencies report on the number of new releases reported for sites under their jurisdiction.	
21	Promote compliance with UST requirements in order to reduce the number of emergency responses. WDNR reports semi-annually on the number of LUST emergency responses that fall under the jurisdiction of WDNR.* EPA reports semi-annually on the number of LUST emergency responses under federal jurisdiction.	LUST/ State	Agencies report on the number of emergency responses for sites under their jurisdiction.	
22	WDNR reports semi-annually the number of closures that fall under the jurisdiction of WDNR with land use restrictions.* EPA reports semi-annually the number of closures that fall under federal jurisdiction on tribal lands with land use restrictions.	LUST/ State	Agencies report on the number of closures with land use restrictions for sites under their jurisdiction.	
23	WDNR reports semi-annually the number of enforcement cases referred to the state Attorney General and their status for sites under WDNR jurisdiction.* EPA reports semi-annually the number of enforcement cases referred to the U.S. Attorney General and their status for sites under federal jurisdiction on tribal lands.	LUST/ State	Agencies report on the number of enforcement actions referred to Justice for sites under their jurisdiction.	

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
24	WDNR reports semi-annually the number of court actions initiated and completed to recover penalties for sites under WDNR jurisdiction.* EPA reports semi-annually the number of court actions initiated and completed to recover penalties for sites under federal jurisdiction on tribal lands.	LUST/ State	Agencies report on the number of court actions initiated and completed for sites under their jurisdiction.	
25	Cost recovery will be initiated for LUST Trust Funds (LTF) expended to address abandoned LUST sites, or when responsible parties fail to take action at high risk sites. WDNR reports all cost recovery actions and amount of money recovered, with the date initiated and completed for LUST sites under WDNR jurisdiction.* EPA reports all cost recovery actions and amount of money recovered, with the date initiated and completed for LUST sites under federal jurisdiction on tribal lands.	LUST/ State	Agencies report on the number of cost recovery actions for sites under their jurisdiction.	
26	The agencies will continue to develop policies and procedures to improve the LUST program. WDNR reports on any newly proposed state legislation or rulemaking affecting the LUST program.* EPA reports on any newly proposed federal legislation or rulemaking affecting the LUST program.	LUST/ State	Agencies report on legislation or rulemaking undertaken that may affect the LUST program.	
27	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30/2005. Note - Revisions will be accomplish in the 2005 – 07 EnPPA.		Review completed and problem areas identified.	

\*WDNR will transmit this information to Region 5 at the same time the STARS reporting is sent to EPA Headquarters.



## Waste Management

### Program Leads

Region 5: Rich Traub and Denise Reape

WDNR: Pat Chabot and Kate Cooper

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
1.	<p>Program Administration Includes preparation and submittal of grant application and workplan; submittal of import reports, Financial Status Reports, equipment inventory and hard copy reports; participation in quarterly conference calls with EPA; preparation of Self-Assessment Report and participation in evaluation meetings with EPA.</p> <p>WDNR will increase its efforts to track the status of the grant and progress on the workplan to help insure the grant commitments and program goals are met. This will be accomplished by preparing and reviewing internal quarterly reports on the numbers of inspections, enforcement actions and outreach activities conducted by region. In addition, reports and data provided by the Finance Office on staff time coded to the grant will be reviewed quarterly, and any issues or concerns will be taken to the Waste Management Team for resolution.</p> <p>Includes time spent on preparation for and participation in Hazardous Waste Team and Special Waste Team Meetings and Conference Calls.</p>	Hazardous Waste Mgmt Program (HWMP) / State	Keeping EPA better informed with WI programs.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>Includes entering data into RCRAInfo on inspections, complaints, enforcement, financial record reviews, licensing and corrective action activities, and submittal of BRS data.</p> <p>EPA Activities</p> <p><i>-EPA will provide WDNR with all relevant program and technical guidance, as it becomes available.</i></p> <p><i>-EPA will set up and participate in annual performance meetings.</i></p> <p><i>- EPA will set up and participate in quarterly (as needed) conference calls.</i></p> <p><i>-EPA will perform file audits.</i></p> <p><i>-Provide training to WDNR staff on new federal HW rules.</i></p> <p><i>-Participate as needed in WDNR training programs being developed for staff working on HW issues.</i></p>		<p>Keeping WI better informed on program and technical issues.</p>	
2.	<p>Plan Review &amp; Licensing: Includes plan reviews, licensing, re-licensing and plan modifications, including variances.</p> <p>We will continue re-licensing activities at facilities with expiring 10-year operating licenses and work to confirm that all facilities have approved controls in place. We expect to issue licenses at 2 facilities in FY04 and 1 facility in FY05. In addition, we intend to pursue corrective action or closure, as appropriate, at 2 facilities during FY04/05.</p>	HWMP / State	<p>Assure that controls are in place that will prevent dangerous releases to the environment.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>HW Financial Responsibility reviews, including Financial Record Reviews.</p> <p><i>EPA Activities</i>  <i>-EPA will assist WDNR with plan review activities associated with re-licensing process at mutually agreed upon TSDs.</i></p>			
3.	<p>Policy Development</p> <p><u>Guidance Development</u>  Hazardous Waste guidance development including publications that are new guidance.</p> <p><u>Authorization/Rulemaking</u>  Review new federal rules and work with EPA when drafting new State rules following the Wisconsin rulemaking process.  Submit proposed rules and checklists to EPA for review prior to final adoption by Natural Resources Board. Submit final rules and checklists in a Final Authorization package to EPA.  Develop authorization packages, which includes the rules, checklists, MOA or MOA addendum, Program Description or changes to the Program Description, and Attorney General's Statements (when necessary). Consider streamlining opportunities while developing authorization packages.  Provide an official, updated copy of the Wisconsin Statutes and Wisconsin Administrative Code.</p>		<p>Improvement of program and regulation knowledge by the regulated communities.</p> <p>WI Hazardous Waste Program will be nearly current on all authorization requirements. This will allow for appropriate flexibility and still protect the environment.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p><u>EPA Lead Activities</u></p> <ul style="list-style-type: none"> <li>- EPA will provide WDNR with information on Federal rules, and provide assistance to WDNR on new rule revision package, and authorization after the rules are adopted.</li> <li>- Provide models for AG Statements and Program description and forward to WDNR for review any streamlining initiatives used by other states.</li> <li>- Review and approve the Authorization Packages in a timely manner and assist WDNR with rule revision and authorization questions, as needed.</li> <li>- Develop Federal Register Notices announcing changes to the Wisconsin Program. Publish public notice of the intent to authorize in at least three major newspapers in Wisconsin and provide an opportunity for public comment. Publish the Federal Register notice.</li> <li>-Continue to develop Codification Federal Register Notice to support Federal enforcement of the Wisconsin Statutes and code.</li> </ul>			
4.	<p>Inspections/Compliance Assistance</p> <p><u>State Lead Activities</u></p> <p>WDNR will conduct statutorily mandated inspections at treatment, storage and disposal (TSD) facilities</p> <p>Per the OECA MOA Guidance targeted goal of inspecting 20% of the large quantity generator (LQG) universe: WDNR will conduct 50 LQG inspections (not counted as TSDs). EPA will partner with WDNR to try to complete the remaining 34 inspections, to meet the goal of 84</p>	HWMP / State	Increase industry compliance rates and decrease pollution by improving efficiency and effectiveness of Wisconsin's compliance programs.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>total LQG inspections. Any joint inspections conducted with EPA at LQGs will count towards WDNR's 20% goal. In addition, WDNR will continue to conduct inspections at small quantity generators and very small quantity generators.</p> <p>WDNR will continue to support EPA's Great Lakes Initiative by conducting CEI and sampling inspections at facilities located in the Great Lakes Basin. WDNR will also continue its work under EPA's Combustion Initiative by conducting inspections at incinerators and fuel blenders/marketers.</p> <p>WDNR will respond to complaints and follow-up as appropriate.</p> <p><u>Special Initiatives:</u> For FY 04, WDNR will focus inspection efforts on generators who haven't previously been inspected. The Southeast Region will also focus inspection efforts on non-notifiers, and auto-body shops and other facilities that discharge to septic systems. The region decided not to state a specific number of inspections, but instead to place emphasis on these sectors when selecting candidates for inspections. The Northern Region will inspect wood treatment facilities as a special initiative in FY04.</p> <p><u>EPA Lead Activities</u> <i>In accordance with OECA MOA Guidance EPA intends to annually conduct federal lead</i></p>			

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p><i>inspections in Wisconsin. Criteria for EPA's selection of facilities and handlers include:</i></p> <p><i>Statutory Mandate</i>  <i>Installations managing hazardous waste in a manner that requires a permit, which are owned and/or operated by State and/or local governments.</i>  <i>Treatment, storage and disposal facilities receiving CERCLA waste from off-site locations.</i>  <i>Facilities handling hazardous waste on Tribal lands.</i>  <i>Requests from WDNR.</i></p> <p><i>Federal facilities:</i></p> <p><i>-Facilities subject to open Federal enforcement, judicial and/or administrative decrees/orders;</i>  <i>-Treatment, storage and disposal facilities subject to RCRA permit conditions issued, administered and enforced by EPA;</i></p> <p><i>Facilities handling waste in EPA's national and/or Regional priority sectors, such as:</i>  <i>-Wood Treating</i>  <i>-Non-ferrous Foundries(brass and bronze)</i>  <i>-Facilities that generate PBTs - lead and naphthalene</i>  <i>-Permit Evaders</i></p> <p><u>Joint Inspections</u>  WDNR will annually conduct joint CEI</p>		<p>Increase industry compliance rates and decrease pollution by improving efficiency and effectiveness of</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>inspections with EPA, based on the following process:</p> <p>Joint inspections will be conducted as either dual-lead or State-lead inspections. WDNR staff are accountable by WDNR internal mechanisms for these inspections.</p> <p>Joint inspections will be performed at a variety of hazardous waste handlers and facilities in a manner that is representative of the cross-section of Wisconsin's regulated community. For generator inspections, inspections will be conducted at LQs and SQGs.</p> <p>By October 1, WDNR and EPA will jointly select the handlers and facilities to be inspected, and will jointly define the protocol to be used for these inspections. Inspections will be distributed throughout Wisconsin.</p> <p>Joint inspections will be documented on WDNR's inspection checklists. In addition, EPA staff may use their inspection checklists if they so choose.</p> <p>Per agreements with EPA, in FY04, WDNR will take the lead on inspecting one (1) Federal facility, and in FY05 WDNR will take the lead on inspecting one (1) Federal facility. For the purpose of this agreement, these inspections are joint inspections.</p>		Wisconsin's compliance programs.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p><u>EPA Activities (Joint Inspections)</u>  EPA will participate in CEI Joint inspections with WDNR annually. EPA agrees to the procedures for selection execution and recording of inspection in the State portion of this Section.</p>			
5.	<p>Enforcement  <u>Take enforcement actions in accordance with the Hazardous Waste Civil Enforcement Response Policy.</u></p> <p>Joint Inspections  EPA and WDNR staff will discuss inspection findings and any recommendations for follow-up according to the draft EPA/DNR Joint Inspection Procedures Guidance. [This guidance will be finalized during FY04.] These procedures do not apply to situations that pose imminent and substantial endangerment to public health and the environment.</p> <p><u>EPA Lead Activities</u></p> <p>Provide training to WDNR staff in enforcement related areas as requested.</p> <p><i>Take enforcement action in accordance with the Hazardous Waste Civil Enforcement Response Policy against violators discovered during USEPA lead inspections and for cases referred by the state to USEPA. For violations detected during joint inspections, EPA will enforce</i></p>	HWMP / State	Increase industry compliance rates and decrease pollution by improving efficiency and effectiveness of Wisconsin's compliance programs.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p><i>violations of law for which the state is not authorized.</i></p> <p><i>Prior to initiating an enforcement action, EPA will notify WDNR of any follow-up enforcement EPA intends to take as a result of EPA lead inspections. In the event that EPA's plans change, EPA will consult with WDNR.</i></p> <p>Joint Inspections  <i>EPA and WDNR staff will discuss inspection findings and any recommendations for follow-up according to the draft EPA/DNR Joint Inspection Procedures Guidance. [This guidance will be finalized during FY04.] These procedures do not apply to situations that pose imminent and substantial endangerment to public health and the environment</i></p>			
6.	<p>Technical Assistance            Technical hazardous waste support to Waste Management program staff and to external customers regarding hazardous waste generation, transportation and management. Includes hazardous waste technical training activities.</p> <p>Conduct outreach activities related to Special Waste. These activities include providing advice on unsealed mercury-containing devices, such as manometers, and cathode ray tube (CRT) recycling.</p>	HWMP / State	Increase communication and information and technology sharing among universities and state and local government agencies that have an impact on Wisconsin's environment.	
7.	<p>Outreach            Hazardous Waste presentations and publications</p>	HWMP / State	Improvement of program and regulation knowledge	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	(that aren't new guidance).		by the regulated communities.	
8.	<p>Pollution Prevention/Cooperative Environmental Assistance Includes outreach and information/education type activities. <u>Summaries of activities conducted in this area will be included in the Self-Assessment Report.</u></p> <p><u>Business Sector Specialists</u> Develop capacity within designated business sectors to effectively identify and manage hazardous waste issues. Work to integrate sector work to compliment inspection priorities, significant noncompliance and coordinate response to sector needs in those cases where sectors exist that correspond to hazardous waste program priorities. Develop capacity within the Hazardous Waste Program to effectively respond to permit and Hazardous Waste issues from new businesses to enable coordinated timely response to business development needs. Work with individual businesses as needed to include Hazardous Waste minimization and pollution prevention efforts as a part of standard operating practices of the facility as needed through Cooperative Environmental Agreements, Environmental Management systems, demonstration and pilot programs or other tools as needed.</p>	HWMP / State		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation Date
	<u>Web Development and Management</u> Promote waste minimization and pollution prevention through CEA's Web site, Publications Clearinghouse, presentations to coincide with program priorities and outreach needs identified by the Hazardous Waste Team and negotiated between the WDNR programs.			

## **G. Watershed Management**

Shared Environmental Goals - USEPA and the six States have worked closely to develop a set of five shared environmental goals to enhance our joint efforts to protect and restore our valuable water resources and to measure our accomplishments. The enumeration of measurable goals is a significant step in collectively defining our long-term vision for clean and safe water. The goals will be used to more comprehensively report on the progress in, and status of, improving water quality in the Great Lakes Region. The five agreed upon Shared Goals are:

- Goal 1: All waters in Region 5 will support healthy aquatic biological communities.
- Goal 2: All waters in Region 5 will support fish populations with safe levels of contaminants.
- Goal 3: Designated swimming waters in Region 5 will be swimmable.
- Goal 4: All people in Region 5 served by public water supplies will have water that is consistently safe to drink.
- Goal 5: The quantity and quality of critical aquatic habitat in Region 5, including wetlands, will be maintained or improved.

These goals will assist EPA and Wisconsin in joint priority setting and planning to more effectively target our programmatic work.

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## 18 – Invitational Travel

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
<b>1</b>	<b>EnPPA Preparation and Implementation including grants management</b>			
1.1	WDNR and EPA - Work together on the schedule and content of self-assessment, annual report.	106/319	Reports completed on the core performance measures as a part of the WT SAR and completed SAR on a timely basis.	
<b>2</b>	<b>Watershed Planning Chuck Ledin – WT/2 608-266-1956 Lisa Helmuth – WT/2 608-266-7758</b>			
2.1	<p><i>Integrated Basin Planning</i> WDNR - Conduct planning using the concepts of the federal Unified Watershed. Based on the need to revise portions of the plans as data is obtained particularly in regard to watershed tables for 303d listing and 305b reporting, the biennial activities should focus on data evaluation and continuing data incorporation into the watershed tables for lakes, streams and groundwater. WDNR will consider utilization of 604b and other grant funding for TMDL development and watershed implementation in impaired waters or plan development/upgrade for impaired waters, consistent with nine key elements for watershed plans (See Section 319 guidance).</p> <p>EPA 1) Coordinate the State/Federal watershed work group to facilitate exchange of information.</p>	604b/ state	<p>Continued integrated planning activities for plans not yet submitted and plan updates (total of 5 for the 2 year period including 3 uncompleted plans).</p> <p>Development of strategies to prepare more refined implementation plans, specifically for those basins that were unable to develop detailed, prioritized plan recommendations.</p> <p>Continued work on the continuous planning</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>2) Provide technical assistance on planning issues.</p> <p>3) Review <u>and award</u> Sect 205(j) grants.</p> <p>4) Review and, <u>when appropriate</u>, approve revisions to the Continuing Planning Process and WQM plans.</p> <p>5) Review watershed plans against NPS guidance, provide input to the State and work with the State to upgrade the plans.</p>		<p>process by analyzing differences between the Wisconsin's areawide water quality planning program and its new integrated planning program.</p> <p>The Continuing Planning Process is revised to describe the revised integrated approach for preparing Water Quality Management Plans and to address promulgated changes in federal regulations by June 30, 2005 (if the regulations are promulgated in time to complete this work).</p>	
2.2	<p><i>Pass Through Grants to Water Quality Planning Agencies for at least 40 percent of the total amount of the 604b grant award.</i></p> <p>WDNR – Provides Grants. EPA – See 2.1 above.</p>	604b/ state	<p>Annual work program contracts with the agencies, which include scope of work, budget, and funding source breakdowns and submit the contracts to Region V EPA.</p> <p>Posted quarterly listings of ongoing 604b projects on WDNR's Web site with status information</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			that Region V can access.  A semiannual summary of each local agency's progress in meeting commitments contained in the scope of work for the contracts including a copy of each signed agreement.	
2.3	<p><i>305b Report and 303d List</i> WDNR - Submit draft and final 303d List which includes clear identification of new listings, delistings, and the rationale for delisting. Consider all available data and information gathered through the public notice process. Provide listing methodologies. The 303d list should also separately identify waters impaired due to mercury. Submit 305b Report.</p> <p>EPA - Ensure timely, reasonable guidance to WDNR; provide written comments on draft reports and provide assistance in getting STORET operational in WDNR and/or linked to WDNR's databases.</p>	106	<p><u>Report biennially on the number &amp; percent of assessed river miles, lake acres, &amp; estuary square miles that have water quality supporting designated beneficial uses, including where applicable, for: a) fish &amp; shellfish consumption; b) recreation; c) aquatic life support; d) drinking water supply.</u></p> <p><u>Report biennially on the number &amp; percent of impaired, assessed river miles, lake acres, &amp; estuary square miles that are covered under Watershed Restoration Action Strategies, &amp; b) were restored to their</u></p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p><u>designated uses during the reporting period.</u></p> <p>A revised 303(d) list submitted which specifically identifies additions and deletions from the previously approved list and identifies waters impaired due to mercury at the time the regulations require submittal (currently 4/1/04).</p> <p>Provide a written 305(b) report or Integrated Report by 4/1/04 (draft report by 1/1/04) including electronic assessment information through the Assessment Database</p> <p>OR</p> <p>1) a letter or write-up with the 305(b) report that describes what WDNR has done in terms of database development and 2) a schedule for completing the assessment QA and reporting process (and if</p>	

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			<p>available include information on what parts of the state are covered by data that still needs to be assessed); and 3) an agreement to update the 305(b) assessment information in 2005 (while we would like the data updated by 4/1/05, we can be flexible on what date is selected.)</p> <p>Provide an annual update of assessment information through the Assessment Data Base by 4/1/05.</p>	
2.4	<p><i>Assessment Database</i> WDNR – Continue working to transfer to the new Assessment Database.</p> <p>EPA – Region 5 will work with HQs and States to promote the use of the Assessment Database or compatible system for tracking waterbody status (needed to allow appropriate reporting on this indicator).</p>		Progress towards implementation of the Assessment Database.	
2.5	<p><i>Waters Assessed Assessment</i> WDNR – Perform water assessments.</p> <p>EPA – Work with WDNR on developing and implementing monitoring network designs to increase the percent of waters assessed in the State. Provide technical assistance as requested.</p>		Increase the number of Wisconsin waters that are assessed for aquatic life and other uses.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
<b>3</b>	<b>Water Quality Standards</b> <b>Bob Masnado – WT/2 608-267-7662</b>			
3.1	<p><i>Water Quality Standards</i></p> <p>WDNR – Code modifications and development of policy and guidance associated with existing and revised standards. Participate on the Regional Nutrient Criteria work group and cooperate with Region 5 Biocriteria Assessment. On nutrient standards, WDNR will formally and informally share plans and progress on adoption of nutrient criteria.</p> <p>EPA – Provide funding for nutrient criteria development up to amount provided by HQ. Lead/facilitate the nutrient RTAG. Support efforts through technical assistance and participation in advisory committees, as requested. Review final rules for consistency with the CWA and Federal regulations and consult with USFWS as required by Section 7 of the Endangered Species Act.</p> <p>EPA will also provide assistance where requested by States revising/updating their bacteria criteria. Participate on EPA’s bacteria criteria workgroup; distribute to states and solicit comments on EPA’s draft Bacteria Criteria Implementation guidance document; participate on conference calls with states to address states’ concerns with adopting EPA’s recommended bacteria criteria, ensure EnPPAs contain language that demonstrates states’ intent to adopt the recommended bacteria criteria by 4/10/04.</p>	State/106	<p>Ammonia Standards and Implementation Guidance.</p> <p>Thermal Standards and Implementation Guidance.</p> <p>Nutrient Standards and Implementation Guidance.</p> <p>Bacteria Standards (E.Coli) and Implementation Guidance.</p> <p>DNR and EPA will discuss implementation procedures for non-BCCs for high quality waters.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
3.2	<i>Great Lakes Implementation (GLI)</i> WDNR – Code modifications and development of policy and guidance associated with GLI standards.	State/106	Implementation Guidance for the Great Lakes Water Quality Initiative including BCC mixing zone ban.	
3.3	<p><b><i>Water Body Use Designations</i></b> WDNR – During FY 03-05, WDNR will engage in a triennial standards review as required by the Clean Water Act. This may require additional work to document potential use of streams and rivers based on aquatic life communities, habitat, and associated land use practices. Initiate rule changes and develop policy and guidance associated with existing and revised water body use standards.</p> <p>EPA - Track the number of waters in which changes in water quality are prohibited and those in which changes in water quality are restricted (expectation is that numbers will stay the same or increase). Work with states to develop biologically-based quantitative methods for identifying waters with high biological integrity as candidates for protection through prohibitions on lowering of water quality. Work with states to develop appropriate criteria and assessment methodologies to support quantitative assessment of support of ONRW/OSRW status for waters so classified by the states. Track and report assessment results in periodic updates of the related factsheet for Shared Goal 1.</p>	State/106	<p>Codified use designations for surface waters throughout the state are assessed with the generation of supplemental or contemporary data and determinations are documented.</p> <p>Water Body Use Designation – Phase I Rule Revisions are completed and implementation guidance is finalized.</p> <p>Draft Phase 2 Waterbody Use Designation policy and rule changes are developed with an external advisory committee and presented in public hearings.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
4	<b>Total Maximum Daily Loads</b> <b>Bob Masnado – WT/2 608-267-7662</b> <b>Jim Baumann – WT/2 608-266-9277</b>	State/106/319		
4.1	<i>Total Maximum Daily Load (TMDL) Development</i> including monitoring data collection, develop and implement watershed plans, meeting specified criteria, in impaired waters through work with GMU partner groups to identify water quality objectives, strategies and schedules to accomplish elimination of water quality impairments at the listed waters, participate on the Regional TMDL work group.	State; 106; 104(b); 319; 205(j); 604(b)	Revised Wisconsin TMDL procedures as necessary to deliver timely TMDL's to EPA consistent with the approved two year schedule and the submitted long-term schedule.	
4.2	<i>TMDL Reporting</i> EPA Core Performance Measure	State; 106; 104(b); 205(j); 319; 604(b)	<u>Report on the number of TMDLs under development, submitted to EPA and approved by EPA.</u>	.
4.3	<i>TMDL List Development and Completion</i> WDNR – By January 1, 2004, WDNR will submit a detailed list of water bodies for which TMDLs will be submitted to EPA through the year 2004. By January 1, 2005, WDNR will submit a detailed list of water bodies for which TMDLs will be submitted to EPA through the year 2005. Included with the 2004 and 2005 specific list of named water bodies will be dates for submitting final TMDLs to EPA for each quarter within the year.  EPA – Provides contract support for TMDL development efforts.	State; 106; 104(b); 205(j); 319; 604(b) Federal Contract	TMDLs are <u>completed</u> in accordance with the 2-year commitment schedule established between WDNR and Region V EPA.  WDNR submits the following in conjunction with the submittal of the specific lists of TMDLs on January 1, 2004 and January 1, 2005: 1. Dates (e.g., quarters) for submittal of both draft TMDLs and final TMDLs	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	WDNR will undertake whatever actions are necessary to develop an integrated 305b/303d list for the 2006 listing cycle.		<p>for each specific TMDL identified on the annual list.</p> <p>2. Methodologies for substitution of listed TMDLs for each annual list.</p> <p>3. Funding sources and other resources needed to develop the specific TMDLs identified in the annual lists.</p> <p>4. Quarterly reporting updates by email, conference call or other.</p> <p>5. By 4/1/05, the development of an integrated list will begin.</p>	
4.4	<i>TMDL and Watershed Project Implementation</i>	State; 106; 104(b); 205(j); 319; 604(b)	<p>By 10/31/03, identify implementation efforts in 303(d) listed waters which WDNR expects to de-list due to these implementation efforts within the next 10 years.</p> <p>By September 1 of each year, provide status reports on each project, including watershed wide efforts addressing point and/or non-point sources under any combination of</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			regulatory and voluntary efforts; efforts that are not yet fully funded or efforts that are in the initial stages of implementation, for which WDNR intends to pursue as funding and WDNR reasonably believes that the effort will correct one or more impairments on the listed water(s).	
<b>5</b>	<b>WPDES Permits</b> <b>Duane Schuettpelz – WT/2 608-266-0156</b> <b>Susan Sylvester – WT/2 608-266-1099</b>			
5.1	<i>WPDES Policy and Systems Development and Maintenance</i> WDNR - Provide accurate and timely data input of WPDES data into WDNR's tracking database.  EPA – Commits to providing assistance, as needed.	106/state	SWAMP use by all staff and policy integration that is needed to issue permits in a timely manner.	
5.2	<i>WPDES Permit Issuance (majors, minors and general permits) and calculation of Water Quality Based Effluent Limits.</i> WDNR – Provides surface water dischargers' data on a quarterly basis to Region 5, which documents the surface water permit backlog.	106/state	Maintenance of the overall permits backlog at 10 percent or less and continued timely input of PCS data.  Provision of general permit coverage as necessary.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
5.3	<i>On-Site Permits</i>  WDNR – Conferring coverage under the general permit.	UIC	UIC program requirements are taken into consideration when dealing with a facility which proposes to discharge motor vehicle or industrial waste through a system which discharges to groundwater.	
5.4	<i>WPDES Permit Status Reporting</i> EPA Core Performance Measure	106	<u>Report annually on the number and percent of facilities that have a discharge requiring an individual permit a) that are covered by a current individual permit; b) that have expired individual permits; c) that have applied for but not been issued an individual permit and; d) that have individual permits under admin. or judicial appeal.</u>	
5.5	<i>Permit Compliance System (PCS)</i> WDNR – Provide systems maintenance and data entry of critical elements of PCS (inspections, enforcement actions, etc.). In particular, secondary enforcement actions for major dischargers (including CSO, SSO & CAFO data associated with majors) are entered into PCS. To the extent staff time is available, secondary enforcement actions for minors (including CSO,	106, 104(b)	At least 95% of PCS data for majors are entered by 1/1/04 and critical data elements of PCS are maintained.  Develop and implement a plan to assure that information systems that	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>SSO, and CAFO data associated with minors) are entered into PCS (rather than reporting the enforcement actions to EPA for data entry). The enforcement actions to be entered include state judicial cases concluded with penalties collected. In the event WDNR cannot enter the enforcement data, WDNR submits to Region 5 the enforcement information on a semi-annual basis.</p> <p>EPA – Provide PCS or data management support to ensure timely data input and accurate data management. EPA will assist State in conversion to new data system and to prepare for PCS modernization.</p>		<p>are developed will automatically communicate compliance and enforcement data between federal and state systems. EPA HQ has different funding mechanisms available which WDNR can apply for to assist in the development of this plan. Region 5 will provide WDNR information regarding the types assistance available.</p> <p>Inspection data for majors and minors PCS is entered into PCS per the inspection strategy submitted on April 10, 2003.</p> <p>Enforcement data is entered into PCS or is submitted to EPA Region 5 on a semiannual basis.</p> <p>The number of open referrals filed by the Wisconsin Department of Justice, are provided on a semi-annual basis to</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			Region 5.	
5.6	<i>Combined Sewer Overflow Reporting.</i> EPA Core Performance Measure	106	<u>Report annually on the number of permittees that are covered by a permit or other mechanisms</u>	.
5.7	<i>Combined Sewer and Sanitary Sewer Overflow (CSO/SSO) Abatement</i> WDNR - Report CSO/SSO events; general and specific permit issuance; compliance and enforcement; and municipal outreach, program and policy.  EPA - Assist WDNR in fully implementing wet weather programs, including providing training and/or technical assistance.	106/state	Provide information on status of CSO implementation for these communities upon request.  All SSO permits in the Milwaukee area are issued for specific satellite communities with SSO and infiltration/inflow concerns.  WDNR will report CSO/SSO events to EPA on a quarterly basis.  EPA will conduct a CSO inspection, in cooperation	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p>with the WDNR, in the City of Superior. Based on the results of this inspection and the Congressionally authorized study underway in the City of Superior, EPA and WDNR will jointly review the need for additional LTCP activities.</p> <p>WDNR will continue to review compliance of satellite systems (including those connected to the Milwaukee MSD) with the terms of the SSO general permit to determine a need for issuance of specific permits.</p> <p>Complete rule revisions which incorporate appropriate existing and revised EPA regulatory requirements related to SSOs by June 30, 2005.</p> <p>More accurate</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			characterization of water quality due to overflow events particularly related to microbial pathogens.	
5.8	<i>Permit Streamlining</i> WDNR & EPA – Continue to examine the NPDES permitting process in order to identify opportunities for increased efficiency and streamline through innovative approaches. a concurrent effort is being done for implementation of Phase II storm water permits and the TMDL process.		One or more of the recommendations coming out of the permit streamlining workgroup is implemented in Wisconsin.  Streamlining opportunities for all parts of the water program, especially the NPDES compliance elements are implemented that foster innovative approaches, and working partnerships.	
5.9	<i>NPDES Program Integrity Pilot Project</i> WDNR - Complete the State Self Assessment form, that is an important part of the NPDES National Program Integrity Review.  EPA - Participate in the national Program Integrity Workgroup along with the designated Region 5 States.		State input due by December 31, 2003.	
6	<b>Biosolids</b> <b>Greg Kester – WT/2 608-267-7611</b> <b>Susan Sylvester – WT/2 608-266-1099</b>			

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
6.1	<p><i>Biosolids Management</i> WDNR – Permitting, inspection, compliance assistance and assurance, site request review, and all other associated activities related to sludge treatment, quality, and ultimate disposition; All septage management and land application activities; maintenance and enhancement of monitoring, permitting, and land application tracking database (SWAMP).</p> <p>EPA - Prior to initiating enforcement action relating to biosolids or septage management, Region 5 will communicate with appropriate biosolids program coordinator to develop strategy (before letters are sent to the affected party).</p>	State/106	Implementation of the EPA biosolids delegation agreement.	
6.2	<p><i>Biosolids Reporting</i> EPA Core Performance Measure</p>	State/106	<u>Report on percent of POTW's beneficially reusing their biosolids and the percent of biosolids generated that are beneficially reused</u>	
7	<p><b>Pretreatment</b> <b>Duane Schuettpelz – WT/2 608-266-0156</b> <b>Chuck Schuler – WT/2 608-267-7631</b></p>			
7.1	<p><i>Pretreatment</i> WDNR – Conduct audits, compliance reviews, inspections, PCS data entry, and program development. Continue self-assessment of programs.</p> <p>EPA - Provide inspection support when requested, as EPA resources allow. See field presence activities in 8.2.</p>	106	<p>POTW audits are conducted once every 5 years in conjunction with other compliance inspections.</p> <p>POTW compliance reviews are conducted once each year based on</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p>annual reports.</p> <p>An overall control document backlog is maintained below 10%.</p> <p>Industrial users subject to Department control are inspected at least twice each 5 years with ongoing review of semi-annual periodic compliance reports.</p> <p>Results-oriented performance measures are developed; creating and implementing program efficiency measures, simplifying inspection and EPA reporting requirements.</p>	
7.2	Pretreatment Reporting EPA Core Performance Measure	106	<p><u>Report annually on the number of approved pretreatment programs audited in the previous 5 years.</u></p> <p>Report annually on the number of categorical IUs to POTW's without approved pretreatment programs (non-</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			pretreatment cities) and the compliance rate of these IUs.	
8	<b>Compliance Assistance, Compliance and Enforcement</b> <b>Duane Schuettepelz – WT/2 608-266-0156</b> <b>Susan Sylvester – WT/2 608-266-1099</b> <b>Steve Sisbach – EE/5 608-266-7317</b> <b>Roger Larson – WT/2 608-266-2666</b>			
8.1	<i>Operation &amp; Maintenance (Compliance Assistance)</i> WDNR – Provide technical assistance to POTW's consistent with 1998 levels. Assist the regional office in maintenance of the national computer database. Host the regional operator training conference in February 2004. Provide assistance to POTWs regarding wastewater security.  EPA - Provide 104(g) funding; host annual roundtable conference; provide assistance where requested. Facilitate the dissemination of technologies and ideas between states and professional organizations.	104g	Assistance to communities. Attendance at regional and national operator training conferences.  Mid-year activity reports consistent with guidance. Summaries of compliance assistance accomplishments are shared on an annual basis and end of year.  Submission of a candidate list every year.	
8.2	<i>Point Source Compliance and Enforcement</i> WDNR – Conduct inspections, compliance determinations, evaluation of violation responses with escalation of continuing violations for secondary enforcement in accordance with WDNR's inspection strategy dated April 10, 2003. Citizens complaint referred to WDNR are forwarded to WDNR field staff for follow up and	State/106	The significant noncompliance rate for major permitted facilities is maintained at less than 10 percent (>90% compliance) for major facilities with the active exceptions list at less than	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>response to EPA. These contacts are documented through event-tracker in SWAMP.</p> <p>EPA – Provide inspection support when requested, as EPA resources allow. Refers citizen complaints to WDNR unless the complaint concerns a facility with which Region 5 has an open enforcement case. Federal enforcement will be a priority for facilities on the Quarterly Noncompliance Report, which have not returned to compliance or been addressed by a Formal Enforcement Action (FEA). EPA will contact WDNR when initiating any enforcement action.</p> <p>In FY 2003, EPA and the States worked together to develop several recommendations relating to Enforcement Streamlining. In FY 2004, EPA will work with WDNR, to develop a plan or strategy to provide an effective field presence (covering, among other things, inspections for NPDES majors, CAFOs, sludge, pretreatment audits and PCIs, and compliance assistance). This strategy will be intended to serve as an effective, efficient alternative to the traditional "coverage" measures associated with assessing effective field presence, and traditional definitions of inspections, audits, etc.</p>		<p>or equal to 2 percent.</p> <p>The Enforcement Management System revisions/update is completed for the WT program and a copy is submitted to Region 5 by March 31, 2004.</p> <p>Inspections of facilities are completed in conformance with an inspection strategy dated April 10, 2003.</p> <p>At least 70% of all major facilities receive an inspection on an annual basis.</p>	
<b>9</b>	<b>State Revolving Fund</b> <b>Bob Ramharter – CF/8 608-266-3915</b>			
9.1	<i>State Revolving Fund (SRF)</i> WDNR - Administration & Plan Reviews of SRF projects.	SRF Grant /state	Plans and loan applications are processed.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			The use of the State Revolving fund is expanded for support of nonpoint source management.	
9.2	<i>SRF Reporting</i> EPA Core Performance Measure	SRF Grant /state	<u>Update EPA's SRF Information System databases.</u>	
<b>10</b>	<b>CAFO and Animal Waste Activities</b> <b>Russ Rasmussen – WT/2 608-267-7651</b>			
10.1	<i>Animal Waste Permit Issuance</i> WDNR – Issue permits.	State	<p>Identification of large (&gt;1000 Animal Units – AU) Concentrated Animal Feeding Operations (CAFO/AFO).</p> <p>Issuance of large (&gt;1000 AU) CAFO/AFO permits in order to maintain numbers of expired permits at or below the 10% level (estimate of 25-40 permits per year).</p> <p>Identification of CAFO/AFOs with more than 300, but less than 1,000 AU, based on information collected through past and future compliance monitoring activities. Following receipt of permit</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			applications from CAFOs with more than 300 but less than 1000 AU, issue permits to these CAFOs in a timely manner.	
10.2	<i>CAFO Inspection</i> WDNR – Inspect CAFOs and report in PCS (ongoing) the known universe of CAFOs larger than 1000 animal units and any newly discovered CAFOs larger than 1000 animal units.	State	<p>All large CAFOS and known medium CAFOS are inspected at least one time every five years or at the frequency with which they inspect other minor point source dischargers, whichever is greater.</p> <p>Priority watersheds are established within which WDNR will seek to identify and inspect all AFOS that may be medium CAFOS.</p> <p>Ongoing reports on PCS with inspection report submitted to Region 5 by September 1, 2004.</p>	
10.3	<i>Animal Waste Policy</i> WDNR – Policy and program development including seeking revisions to State law and or beginning the process for revising NR 243 as necessary to conform with federal revisions.	State	Information and education programs for CAFO operators and others.	
11	<b>Stormwater Permitting</b> <b>Russ Rasmussen – WT/2 608-267-7651</b>			

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
11.1	<p><i>Stormwater</i></p> <p>WDNR - Permitting and Compliance Monitoring; includes municipal and general permit (GP) issuance and conferring GP coverage to industries and construction sites.</p> <p>EPA – Will sponsor the Train-The-Trainer MS4 training in the 4th quarter of 2003 and in the first quarter of 2004. Will provide travel funding in support of 2 people per State, at an average of \$800 per person, to ensure State participation.</p>	State	<p>A Municipal General Stormwater Permit is issued and coverage is extended to affected municipalities; general permit coverage is extended for construction sites and industrial facilities. Expired industrial and construction site general permits are reissued.</p> <p>NR 216 is revised to comply with Phase II regulations by June 30, 2004 with permits created or revised after promulgation.</p> <p>Information and education is provided to regulated public with regard to Phase II and NPS Redesign</p> <p>Industrial and construction site non-compliant permittees are identified and addressed as resources permit.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
11.2	<i>Stormwater Reporting</i> EPA Core Performance Measure	State	<u>Report annually on the number of stormwater sources associated with industrial activity, number of construction sites over one acre and number of designated storm water sources (including municipal) that are covered by a current individual or general permit or other enforceable mechanism.</u>	
<b>12</b>	<b>Nonpoint Source Program – Section 319 Clean Water Act</b> <b>Russ Rasmussen – WT/2 608-267-7651</b> <b>Jim Baumann – WT/2 608-266-9277</b>			
12.1	<i>Nonpoint Source (NPS) Projects</i> WDNR - Operate the nonpoint source program to achieve and maintain beneficial uses of water while qualifying for enhanced benefits status.	319/State	Implement the program described in the revised 319 Management program document.  Maintain progress on existing Priority Watershed projects and newer short-term projects, implement targeted runoff management projects.  Potential project opportunities to implement BMPs	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p>(consistent with the State's NPS management plan) are identified, which will enhance or establish sensitive ecosystems while addressing water quality issues.</p> <p>Project proposals are identified to address issues associated with AOCs consistent with the LaMPs.</p> <p>WDNR's monitoring program is integrated with the State NPS/319 program.</p>	
12.2	<i>NPS Reporting</i> EPA Core Performance Measure	319/state	<p><u>Annually report on the progress that Wisconsin is making in incorporating the nine key elements outlined in EPA guidance.</u></p> <p><u>Annual reports that include environmental accomplishments and highlight improvements by October 1 of each year. The reports should emphasize measurable</u></p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p><u>environmental improvements, specifically on reductions in sediment and nutrient loadings; provide WRAS for category 1 watersheds receiving 319 funding as part of the application.</u></p> <p>Updated State reports on a continuous basis as project status changes.</p>	
12.3	<p><i>State Nonpoint Source Management Program Evaluation Framework</i></p> <p>WDNR - Develop framework to document the impact of program implementation on a watershed, waterbody or BMP basis.</p>		<p>Complete Wisconsin's strategy (documented in an issue paper to be shared with Region 5) for the draft framework by 3/1/04.</p> <p>Work to finalize framework by 9/30/04.</p> <p>Begin framework implementation in FY '05.</p>	
12.4	<i>Federal Funding Pilot for NPS best management practices evaluation</i>	State/104 (b)3	Complete the pilot to accelerate implementation of nonpoint source best management practices in 2 to 3 selected small watersheds and monitor	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			water quality improvements from installation of the Management Practices.	
<b>13</b>	<b>Sediment Management</b> <b>Greg Hill – WT/2 608-267-9352</b>			
13.1	<i>Contaminated Sediment</i> WDNR – Remediation at locations other than the Fox River; evaluate toxicological and biological effects of contaminated sediment or surface waters including ecological risk assessments.	State/106	<p>Sediment quality objectives are developed to meet established water quality criteria at specific contaminated sediment sites.</p> <p>Remediation projects are implemented by WDNR Watershed Management staff using appropriate risk assessments, remedial investigations, and feasibility studies including an evaluation of the amount of sediment removed, the environmental benefits associated with that removal and appropriate disposal assured.</p> <p>Sediment chemistry and physical data collected by WDNR staff are entered and summarized annually into the sediment</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			database.  An inventory of activity for contaminated sediment sites is maintained.	
13.2	<i>Fox River</i> Contaminated Sediment Remediation Lead WDNR 's review and approval of the remedial design and remedial action for the lower Fox River.	State/106/104(b)3 (not the actual remediation work)	Remedial design for the selected remedy for Operable Unit #1 (OU-1 – Little Lake Buttes des Morts) is reviewed and approved.	
<b>14</b>	<b>Great Lakes</b> <b>Chuck Ledin – WT/2 608-266-1956</b>			
14.1	<i>Great Lakes Implementation</i> in support of Remedial Action Plans or Lakewide Management Plans  WDNR – Financial management activities related to applying for funds from external sources or expending the state share of the Great Lakes Protection Fund.	Coastal Environmental Mgt 104(b)3 (CEM) / State	Restoration of ecosystem quality in the Great Lake Basin tailored to achieve the following specific environmental implementation objectives or outcomes: Pollutant reduction projects of critical pollutants in the Lake Michigan basin or the zero discharge pollutants in the Lake Superior basin. Decreasing bioaccumulating pollutants in body burdens of fish and wildlife.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p>Restoring ecological functions by habitat improvement projects or species recovery or restoration projects aimed at targeted species in the Great Lakes planning documents.</p> <p>WDNR will provide specific environmental measures/outcomes (e.g. tons of sediment prevented from entering a waterbody) for each project.</p>	
14.2	<i>Great Lakes Committees Participation</i>	CEM	Reduced coverage of committees activities based on funding reductions during the term of the EnPPA and based on implementation and interstate interest and priorities.	
<b>15</b>	<b>Mississippi River Chuck Ledin – WT/2 608-266-1956</b>			
15.1	<i>Mississippi River</i> WDNR – Staff support of nutrient reductions in tributary waters and support of the recently developed “ <u>Upper Mississippi River Water Quality: The States’ Approaches to Clean Water Act Monitoring, Assessment, and Impairment Decisions</u> ”.	104b directly to UMRBA	Continued support for the report and actions of the Water Quality Task Force for the Upper Mississippi basin through attendance at meetings, workshops, and conference calls and	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	EPA – Supports and facilitate the continued work of the Water Quality Task Force.		provide constructive feedback regarding the benefits of this initiative and the benefits to water quality improvements.	
15.2	<p>Upper Mississippi River Issues The Upper Mississippi River Basin Association and its Water Quality Task Force has completed a report entitled, “<b><u>Upper Mississippi River Water Quality: The States’ Approaches to Clean Water Act Monitoring, Assessment, and Impairment Decisions.</u></b>” This report makes several recommendations regarding actions that the States should take to continue to make progress on assuring improved water quality and cooperation among the five States in the Upper Mississippi River basin.</p> <p>WDNR - Continue to support the cooperative efforts on the Mississippi River. Use the designated reaches that were agreed upon by the UMRBA Water Quality Task Force when preparing future 303(d) or 305(b) reports. Support efforts by the UMRBA and/or others to develop a comprehensive strategy for water quality monitoring in the Upper Mississippi River basin. Support and participate in efforts that are being managed by US EPA regarding the development of biological indicators through the EMAP Great Rivers Ecosystems and the Evaluation and Development of Large River Biological Assessment Methods and Standardized Protocols projects. Support and participate in</p>		<p>Prepare the 303d and 305b reports using the designated reach segments. (Note: WDNR will use this approach for the 2004 report, if feasible. If not, WDNR will work during this EnPPA cycle to report using the segment approach for the 2006 report.)</p> <p>Participate, as resources allow, in strategy sessions regarding the development of a comprehensive water quality monitoring strategy, including Great and Large Rivers EMAP and REMAP efforts, for for the Upper Mississippi River basin.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	efforts by the UMRBA to initiate the dialogue on consistent fish advisories for the Upper Mississippi River.			
15.3	<p><i>Upper Mississippi River Nutrient Efforts</i></p> <p>WDNR – Coordinate with other state (WI) agencies and participate in committee meetings to ensure Wisconsin is represented in committee discussions and outputs.</p> <p>EPA – Work with State environmental, natural resources and agriculture agencies and other federal agencies to promote options for a sub basin committee as called for in the Hypoxia Action Plan, with goal of having a committee operational in FY 04.</p> <p>WDNR and EPA – Continue discussions and consider if revised language should be included in the EnPPA to address cooperative efforts on the Mississippi River based on decisions and discussions that occur on November 18-19, 2003 at the Gulf of Mexico Hypoxia Task Force and other meetings and initiatives that will occur during the first year of the performance partnership agreement.</p>		Participation, as resources allow, in committee meetings/workshops held biannually or quarterly (Note: Participation may be in person or by conference call as necessary based on resources.)	
16	<p><b>QMP</b></p> <p><b>Roger Larson – WT/2 608-266-2666</b></p>			
16.1	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30/2005. Note - Revisions will be accomplish in the 2005 – 07 EnPPA.		Review completed and problem areas identified.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
17	<b>Great Lakes Beach Pathogen Monitoring.</b> <b>Bob Masnado – WT/2 608-267-7662.</b> <b>Toni Glymph – WT/2 608-264-8954</b>			
17.1	<b><i>Beach Pathogens</i></b> WDNR – Participation in work group and other public meetings to develop a comprehensive monitoring strategy; address public notification issues and respond to public inquiries related to beach health. Complete rule revisions and implementation guidance for water quality standards related to bacteria (E. Coli) – See #3.1 for performance measures/outcomes and reporting information for this activity.	Beach Act	Active monitoring of beach water quality along the Lake Michigan and Lake Superior shorelines at a frequency agreed to by the Beach Act Workgroup.  Public Database and Website for Enhanced Notification of Beach Health is maintained.  Completed Annual Program Summary Report for EPA.	
17.2	<b><i>BEACH GRANTS</i></b> EPA – Work with the states on issuing and implementing their beach grants. Conduct technical reviews of state beach grant work plans to ensure performance criteria is being met. Assist states with development of their beach monitoring QAPPS. Participate on conference calls. Share guidance and other informational documents. Host or participate in beach workshops and conferences to present beach program information, information on assistance EPA can provide state and local governments to reduce wet weather impacts at beaches, and examples of beach monitoring strategies		Grants are issued and funds are available for expenditure prior to the beach season (April 15 of each year) for Wisconsin to the extent that EPA Headquarters and federal appropriations schedules allow.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
	<p>employed in other state beach programs. Be available to provide assistance to states and local beach managers as questions arise as states develop and implement their beach water quality monitoring and public notification plans.</p> <p>Disseminate beach guidance documents and other informational documents to states and local beach managers; share sample beach signage, multi-lingual advisories, and other notification efforts being conducted by states at beach workshops and conferences; post links of state and local governments' sample notification efforts on EPA's beachwatch website; assist states by providing contact information on potential database developers, participate on conference calls, and share information about storet training for state I.T. staff to ensure states will meet the 1/31/04 beach act requirement deadline requiring submittal of beach monitoring and public notification data to EPA annually.</p>			
18	<p><b>Invitational Travel</b></p> <p>Region 5 will work with WDNR and other state agencies to identify particular critical travel.</p>		By October 31, 2003, specific meetings and workshops will be identified along with the support to be provided for states to attend.	

## **H. Fisheries Management / Habitat Protection**

Shared Environmental Goals - USEPA and the six States have worked closely to develop a set of five shared environmental goals to enhance our joint efforts to protect and restore our valuable water resources and to measure our accomplishments. The enumeration of measurable goals is a significant step in collectively defining our long-term vision for clean and safe water. The goals will be used to more comprehensively report on the progress in, and status of, improving water quality in the Great Lakes Region. The five agreed upon Shared Goals are:

Goal 1: All waters in Region 5 will support healthy aquatic biological communities.

Goal 2: All waters in Region 5 will support fish populations with safe levels of contaminants.

Goal 3: Designated swimming waters in Region 5 will be swimmable.

Goal 4: All people in Region 5 served by public water supplies will have water that is consistently safe to drink.

Goal 5: The quantity and quality of critical aquatic habitat in Region 5, including wetlands, will be maintained or improved.

These goals will assist EPA and Wisconsin in joint priority setting and planning to more effectively target our programmatic work.

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#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
1	Waterway and Wetland Protection	State/ <u>Wetland</u> <u>Program</u> <u>Develop-</u> <u>ment</u> <u>Grant</u> <u>(WPDG)/</u> 106		
1.1	WDNR - Pursue the wetland strategy, "Reversing the Loss" for protecting and restoring wetlands (Scott Hausmann).		For measures see "Reversing the Loss" and state FY2002 workplan for wetland team (or web page)	
1.2	WDNR - Maintain a vigorous 401 water quality certification program, including development of a compensatory mitigation system. (Scott Hausmann/Mary Ellen Vollbrecht)			
1.3	WDNR - Develop a comprehensive wetland assessment/monitoring program (Tom Bernthal)			
1.4	WDNR - Provide technical assistance on wetlands grants, 319 grants, Section 106 water quality improvement grants, and any enforcement grants, including reviewing applications and providing assistance on new and ongoing grants.			

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
1.5	WDNR - Review selected 404 Public Notices for compliance with the tenants of the Clean Water Act, and work on interagency efforts to develop and evaluate streamlined 404 permitting alternatives. Notify EPA of specific concerns regarding PN's as appropriate.		Annual report by October 1 each year which includes actions taken, violation acreage and resolution.	
1.6	WDNR - Pursue enforcement actions against significant violations of 404.  EPA – Evaluate referrals for wetland enforcement from WDNR and initiate appropriate action.			
1.7	WDNR - Participate in Wisconsin's interagency wetlands meetings.			
1.8	WDNR - Provide overall technical assistance and training opportunities in wetland program development.		Report prepared.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
<b>2</b>	<b>Water Level Management Pool 8</b>	State/106		
2	WDNR - Monitor for sediment, nutrients, vegetation, and aquatic species as identified by WDNR. (Terry Dukerschein)			
<b>3</b>	<b>Lakes Partnership - Lake Water Quality Assessment</b>	State/314/ PPG		
3.1	WDNR - Technical support provided for lake and watershed management, self-help citizen lake monitoring and lake research; lake database development and report generation; lake organizational and educational assistance. (Carroll Schaal)		Annual lake reports prepared for citizen monitored lakes. ~(700)	
			All lake water quality data collected entered into lakes database and STORET.	
			Significantly enhanced lake database allows entry and reporting of lake data on line.	
			Statewide Lake Assessment report (305b) prepared.	
			Develop template for lake appraisal and assessment reports.	
			Final report on shoreland runoff dynamics study.	
			Report on use of aquatic plant index as an indicator of ecosystem health.	
			Annual Lake Conference held.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			Various workshops and educational events for lake organizations.	
<b>4</b>	<b>Sensitive Area Designations</b>	State/106		
4.1	WDNR – Sensitive Area Designations – A team of professional fishery biologists, water resource specialists, wildlife biologists, and aquatic plant specialists collaborate to identify critical habitat around and within lakes and flowages. The purpose of these designations is to protect critical habitat areas for wildlife, fish and other aquatic life as well as for the preservation of natural and scenic beauty of a waterbody. These designations are incorporated into basin and local plans and are a basis for making aquatic plant management, water regulation permit, local shoreland zoning, and boating ordinance decisions. (Paul Cunningham and Carroll Schaal)	State/106	Select lakes to be surveyed.	
			Conduct sensitive area surveys.	
			Prepare maps and reports.	
			Distribute reports and present results to local lake management organizations.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
<b>5</b>	<b>Monitoring</b>			
5.1	<i>Baseline Monitoring</i> - WDNR - Baseline Monitoring - Develop a comprehensive water resource monitoring strategy that utilizes core indicators to evaluate status and trends in statewide aquatic ecosystem health; and which reports these findings in WDNR reports. Provide an annual monitoring implementation workplan (number of monitoring sites, location of monitoring sites planned each year). [Mike Talbot (FH) and Bob Masnado (WT)]	State/106	Final monitoring and assessment program assessment report for 2003 by 02/28/2004.	
			Draft Water Quality Monitoring Strategy by June 30, 2004.	
			Final Water Quality Monitoring Strategy by 9/30/04.	
			Annual monitoring implementation workplan	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
5.2	<p><i>Special Monitoring – Implement the Monitoring Strategy - Water Chemistry</i></p> <p>WDNR - Implement the long-term trends monitoring protocol at the network of fixed stations located on flowing waterways. Conduct water chemistry investigations at specific sites or watersheds in response to biological metrics, where data is necessary to make water management decisions, and in response to inquiries. Conduct other special studies to investigate specific water chemistry parameters, problem sites, or watersheds as funding allows. [Mike Talbot (FH), Bob Masnado (WT) and Jim Ruppel (WT)]</p>	State/106	<p>Water quality data and associated meta-data are entered into STORET system before the following data collection season. <b>THE USE OF STORET HAS NOT BEEN RESOLVED YET.</b> WDNR is currently one year behind.</p> <p><b>WDNR staff will be consulting EPA, (hopefully before the end of the October 2003) as the position previously performing these functions was eliminated and we have issues that need to be resolved. (Nancy Nate).</b></p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			<p>Water Quality Reports completed for chemical data (should be combined with information from other sources such as biological data.) Findings which support a change in policy or action will be written up in special reports.</p> <p>Include data in 305(b) report. (Chuck Ledin and Lisa Helmuth)</p>	
5.3	<p><i>Baseline Monitoring - Implement Monitoring Strategy - <u>Wadeable Streams</u></i></p> <p>WDNR - Quantify and classify stream resources in the state. Assess stream habitat and fish communities, and collect macroinvertebrate samples, and assess field data; provide summary statistics describing the integrity of stream resources in Wisconsin. Continue working with EPA on monitoring designs to increase percent of waters assessed in the State. [Mike Talbot (FH), Bob Masnado (WT), and Mike Miller (FH)]</p>	State/106	Finalize a GIS database to quantify and classify stream resources to facilitate a probability-based sampling strategy.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
			Continually refine field protocols and guidance documents based on collected data and implement changes by the following data collection season.	
			Review field data being collected to optimize sampling strategy.	
			Compile summary statistics documenting the status and trends in stream resource integrity.	
			Draft reports on the status of Wisconsin's stream resources. Include data in 305(b) report. (Chuck Ledin and Lisa Helmuth)	
			Report on REMAP streams project. (Mike Miller)	
			Conduct monitoring on 30-40 new lakes; 15 river sites per year.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
5.4	<i>Baseline Monitoring and Special Studies – Fish Contaminant Monitoring</i> WDNR – Determine concentrations of bioaccumulative pollutants in fish flesh for protection of human health, source investigation, trend monitoring, and remedial activities. (Fish contaminant monitoring and consumption advisory) – [Mike Talbot (FH), Bob Masnado (WT), and Candy Schrank (FH)]	State/106	Data and associated information is entered into appropriate databases before the following data collection season.	
			Fish contaminant data reports completed. Findings which support a change in policy or action will be written up in special reports.	
			Issue annual fish consumption advisory.	
			Include lakes monitoring in the water quality monitoring and assessment strategy.  Include data from lakes monitoring in 305(b) report. (Chuck Ledin and Lisa Helmuth)	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
5.5	<i>Baseline Monitoring – Lakes and Baseline Monitoring – Non-Wadeable</i> - these activities were removed last year because we report on them to the USFWS on measures and compliance. [Mike Talbot (FH), Bob Masnado (WT), Tim Simonson (FH) and Brian Weigel (SS)]	State/ USFWS/ SFR	<p>Wisconsin has existing monitoring strategy being implemented in partnership with COE and USGS.</p> <p>Reference the Mississippi River in the state-wide monitoring/assessment strategy when developed.</p> <p>Include data in Mississippi River water quality reports and in 305(b) report (Chuck Ledin and Lisa Helmuth)</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
5.6	<i>Baseline Monitoring – Mississippi River</i> Implement monitoring on the Mississippi River [Mike Talbot (FH), Bob Masnado (WT), Ron Benjamin (FH), and Terry Dukerschein (FH)]	State/ LTRMP/ PPG/SFR	WDNR works with agencies surrounding the Great Lakes to implement a monitoring strategy coordinated by the Great Lakes Fisheries Commission.  Reference the Great Lakes strategy in the state-wide monitoring/assessment strategy when developed.  Include Great Lakes data in the 305(b) report. (Chuck Ledin and Lisa Helmuth)	
5.7	<i>Great Lakes – Lake Michigan and Lake Superior</i> [Mike Talbot (FH) and Bob Masnado (WT)]	State	Provide chemical, biological and physical water data from WDNR's system to EPA upon request.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
5.8	<p><i>STORET</i></p> <p>WDNR – Continue to work with EPA to resolve STORET issues for entering data.</p>		<p>Continue current participation in Large Rivers work. (Note: does not require Wisconsin field work or report development unless the State chooses to alter participation in the future.)</p> <p>Participation in national probabilistic study directly or as part of Region 5-wide effort. (Note: State will be able to choose whether to conduct field work itself or to work indirectly through other groups)</p> <p>Review and evaluation of state's bioassessment program.</p>	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
5.9	<p><i>Large Rivers Bioassessment Project</i></p> <p>WDNR – Work with ORSANCO and other partners to (1) evaluate methods used for large river biological assessments; (2) evaluate methods used for Large River biological assessments, (3) assess the condition of Large Rivers within the Region, and (4) assess the conditions of Wadeable streams in the Region as part of the national probabilistic study. Continue working with EPA in jointly reviewing the State’s bioassessment program against the national guidance on what constitutes an adequate bioassessment program and identifying areas that need additional attention. Evaluate EPA information on large river bioassessment for possible inclusion in Wisconsin’s monitoring and assessment strategies. Mike Talbot (FH), Bob Masnado (WT), and Brian Weigel (SS)]</p> <p>EPA – Update WDNR on large river biological assessments and the national probabilistic study used to assess Wadeable streams..</p>			
5.10	Participate on the Bioassessment/Biocriteria workgroup. (Mike Miller)		Participation on SWiMS planning committee; attendance of state water quality monitoring, standards and assessment staff/managers at SWiMS	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation Date
5.11	<p>Participate in planning of and attend 2004 SWiMS meeting</p> <p>EPA - EPA considers the annual Surface Water Monitoring and Standards (SWiMS) meeting to be a critical link between the State and Federal surface water programs in Region 5. Accordingly, EPA will make every effort to ensure that the appropriate regional staff from affected programs attend and participate in the meeting and its planning. Similarly, to ensure the success of this important forum for exchanging ideas and advancing the program, EPA expects States will send appropriate representatives to SWiMS with experience in a broad spectrum of applicable programs (e.g., water monitoring, water quality standards, reporting/assessment, fish contaminant monitoring, etc.). To encourage and facilitate full participation EPA will provide travel funding for at least 2 WDNR staff members. [Mike Talbot (FH), Bob Masnado (WT), and select staff]</p>			
<b>6</b>	<b>QMP</b>		Review completed and problem areas identified.	
6.1	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30/2005. Note - Revisions will be accomplish in the 2005 – 07 EnPPA.		By 10/31/03, specific meetings and workshops will be identified along with the support to be provided for states to attend.	
<b>7</b>	<p><b>Invitational Travel</b></p> <p>Region 5 will work with WDNR and other state agencies to identify particular critical travel.</p>			



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## *APPENDIX A - Overview of the National Environmental Performance Partnership System*

The National Environmental Performance Partnership System (NEPPS) was created in an Agreement between USEPA Administrator Carol Browner and the Environmental Council of the States (ECOS) titled "Joint Commitment to Reform Oversight", signed on May 17, 1995. This new approach reflects the advances made in environmental protection in the United States over the past two decades and recognizes that existing policies and management approaches must be modified to ensure continued environmental progress. It outlines a way for USEPA and States to work together, each according to their strengths in directing scarce public resources toward improving environmental results, allowing States greater flexibility to achieve those results while maintaining accountability and increasing reliance on measurement of environmental results. NEPPS recognizes that strong State performance should be rewarded with reduced oversight and increased flexibility.

Key components of NEPPS are:

- Increased Use of Environmental Goals and Indicators
- New Approach to Program Assessments by States
- EnPPAs
- Differential Oversight
- Public Outreach and Involvement
- Joint System Evaluation

EnPPAs are the product of a joint planning and priority-setting dialogue between states and USEPA Regional offices based on the analysis and strategic directions being set by USEPA national and regional program managers and the states. The general expectation is that mutual agreement will be reached and that participating programs will embark on self-management. Senior program management from the State and the Regional office will structure and lead this dialogue to set priorities, directions and reach final agreement. Self-assessments will be reviewed and considered during this dialogue. USEPA has agreed to work with all States, using the new NEPPS, to reach agreements that are based increasingly on an assessment of environmental conditions and needs in each state.

# APPENDIX B - TABLE IDENTIFYING EnPPA RESPONSIBILITIES AND ACTION DATES

EnPPA and Work Planning Schedule and Critical Dates for **July 1, 2003 through June 30, 2004**

<b>Activities / Dates</b>	<b>7/03</b>	<b>8/03</b>	<b>9/03</b>	<b>10/03</b>	<b>11/03</b>	<b>12/03</b>	<b>1/04</b>	<b>2/04</b>	<b>3/04</b>	<b>4/04</b>	<b>5/04</b>	<b>6/04</b>
New FY'04-05 <b>EnPPA</b> Signed		X										
Region 5 And WDNR Programs Identify Needed Changes For The FY'05 <b>EnPPA</b>						X XX	XX					
Region 5 and WDNR Teams Meet To Identify Revisions That Are Needed For The FY'05 <b>EnPPA</b>								XX X				
Region 5 and WDNR Programs Develop Revisions To The FY'05 <b>EnPPA</b>									XX X	XX X	XX	
All Region 5 And National Program Guidance Shared With WDNR										X	X	
Dialog Between Region 5 And WDNR Programs On Priorities Prior To The Start Of WDNR Developing Workplanning											XX X	

<b>Activities / Dates</b>	<b>7/03</b>	<b>8/03</b>	<b>9/03</b>	<b>10/03</b>	<b>11/03</b>	<b>12/03</b>	<b>1/04</b>	<b>2/04</b>	<b>3/04</b>	<b>4/04</b>	<b>5/04</b>	<b>6/04</b>
Guidance												
Revisions To The FY'05 <b>EnPPA</b> Approved											X	X
WDNR Division Workplanning and Management Teams Start To Develop Division Workplanning Guidance For FY'06-07												XX

Note: The use of "X" in the chart is to indicate the relative time frame for a needed activity.

EnPPA and Work Planning Schedule and Critical Dates for **July 1, 2004 through June 30, 2005**)

<b>Activities / Dates</b>	<b>7/04</b>	<b>8/04</b>	<b>9/04</b>	<b>10/04</b>	<b>11/04</b>	<b>12/04</b>	<b>1/05</b>	<b>2/05</b>	<b>3/05</b>	<b>4/05</b>	<b>5/05</b>	<b>6/05</b>
WDNR Division Workplanning and Management Teams Continue To Develop Division Workplanning Guidance For FY'06-07 (continued from 6/04)	XX X	XX X	XX X	XX X								
Revisions To The FY'05 <b>EnPPA</b> Are Implemented	X											
WDNR <b>EnPPA</b> SAR Development (FY'04)	XX X	XX										
Region 5 <b>EnPPA</b> SAR development And Review (FY'04)		XX	XX									
WDNR finalizes Region 5 And WDNR <b>EnPPA</b> SAR (FY'04)			XX	XX								
Region 5 And WDNR Develop JPs For FY'06-07 <b>EnPPA</b>				XX X	XX X	XX X						
WDNR Divisions Approve FY'06-07 Workplanning Guidance					XX							

Activities / Dates	7/04	8/04	9/04	10/04	11/04	12/04	1/05	2/05	3/05	4/05	5/05	6/05
WDNR Division FY'06-07 Workplanning Guidance Issued to Programs						XX						
WDNR Programs Develop FY'06-07 Draft Workplans						X	XX X	XX X	XX			
First Region 5 And WDNR <b>EnPPA</b> FY'06-07 Negotiating Meeting							XX					
Second Region 5 And WDNR <b>EnPPA</b> FY'06-07 Negotiating Meeting									XX			
All WDNR Organizational Units Submit FY'06-07 Draft Workplan to their Division									XX			
All Region 5 and EPA National Program Guidance shared with WDNR for <b>EnPPA</b>										X	X	
Final Region 5 and WDNR FY'06/07 <b>EnPPA</b> Negotiating Meeting											XX	

<b>Activities / Dates</b>	<b>7/04</b>	<b>8/04</b>	<b>9/04</b>	<b>10/04</b>	<b>11/04</b>	<b>12/04</b>	<b>1/05</b>	<b>2/05</b>	<b>3/05</b>	<b>4/05</b>	<b>5/05</b>	<b>6/05</b>
Draft WDNR FY'06-07 Workplans are further developed through Internal and External Input										XX X	X	
Region 5's Senior Management and WDNR's Department's Leadership Team (DLT) Approves FY'06/07 <b>EnPPA</b>											XX	
WDNR DLT Approves Final FY'06-07 Workplans											XX	
New FY'06-07 <b>EnPPA</b> signed												XX

## APPENDIX C – WDNR / Region 5 Contacts

The WDNR work planning efforts are not part of this document. However, arrangements can be made to review summaries or obtain parts of the work plans by contacting the following individuals.

### Air & Waste Division Work Planning

Air & Waste Division Work Planning Coordinator, Bill Baumann, at (608) 267-7542 or E-mail [baumaw@dnr.state.wi.us](mailto:baumaw@dnr.state.wi.us).

or

Air Management - Kathleen Mullen, Wisconsin Project Officer, USEPA Region 5 Air Division, mail code AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604 - (312) 886-6074

Waste Management (RCRA Subtitle C - Hazardous Waste) – Denise Reape, USEPA Region 5 Waste Management Branch, mail code DRP-8J, 77 West Jackson Boulevard, Chicago, Illinois 60604 – (312) 353-7925

### Remediation and Redevelopment:

(Superfund) – Suzanne Coll, USEPA Region 5 Superfund Division, mail code SM-5J, 77 West Jackson Boulevard, Chicago, Illinois 60604 - (312) 886-6044

RCRA Subtitle C - Corrective Action and RCRA Subtitle I - UST/LUST) - Richard Traub, Section Chief, USEPA Region 5 Waste, Pesticides and Toxics Division, mail code DR-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604 - (312) 353-8319

### Water Division Work Plan

Water Division's Work Planning Coordinator, Suzan Acre, at (608) 267-7613 or E-mail [suzan.acre@dnr.state.wi.us](mailto:suzan.acre@dnr.state.wi.us).

or

Water Division – Jori Spolarich, State Project Manager, USEPA Region 5 Water Division, mail code WS-15J, 77 West Jackson Boulevard, Chicago, Illinois 60604 - (312) 353-9530

## *APPENDIX D - Public Outreach and Involvement*

A. Integrated Work Planning System (IWPS) contains the actual plans and processes for public involvement in WDNR's environmental programs. Public outreach and involvement is being done routinely in carrying out the individual program's work plans. By widely adopting the IWPS, WDNR has shown its commitment to public involvement at the local level.

B. Public Comment on the Draft EnPPA

### **Background**

WDNR and Region 5 believe that public involvement in the development of the EnPPA is important, however, the public has shown little interest. This has also been a problem for other states and other USEPA Regions. The only time the public seems interested in the EnPPA is when other environmental issues have been of interest.

With the last couple of EnPPAs, different approaches to involve the public were tried, but proved to be unsuccessful. These included:

- Sending news releases that briefly explained the EnPPA and requesting public comment on the draft EnPPA.
- Sending letters (mail and e-mail) to targeted groups that explained the draft EnPPA and requesting public comment.
- Placing the draft EnPPA on the WDNR web site and again requesting comments.
- Posting of the executive summary and EnPPA and annual SARs on WDNR's web site.

### **Approach for the 2003 – 2005 EnPPA**

Rather than try to involve the public in the entire EnPPA, an effort was planned to focus on specific areas which may be important to the public. These were expected to be JPs and one or two areas in each program. A summary of the JP or program area was to be developed and would include a description (work efforts and partnering), outputs/outcomes, why the public might be interested, a list of potential interested parties and staff leads (WDNR/Region 5). Comments would then be solicited and comments would be sent directly to the staff leads (electronic submittals would be encouraged).

WDNR staff leads would be expected to electronically send their issue(s) to appropriate stakeholders. Specific areas were then to be placed on WDNR's web site for comments.

WDNR JP and program staff leads then be expected to capture the comments, develop responses and share their summary with the commentors (electronically if possible) and with the WDNR and Region 5 EnPPA Team Leaders so that comments and responses could be added to the appendix F in the final EnPPA.

Unfortunately, this plan failed to come to fruition. Wisconsin changed Governors in January of 2004 and the State had a 3.2 billion dollar deficit looming in the proposed FY'04 and FY' 05 biennial budgets. The results of the proposed deficit were delays in the budget finalization processes, WDNR work plans, Region 5 and WDNR programs charts and staff being laid off at

WDNR. Thus, timing did not allow this public input process to proceed and still obtain both Agencies approval by September 30, 2004.

C. Posting the EnPPA, updating the EnPPA and sharing the SAR

It is the hope that by posting the EnPPA and EnPPA/SAR on the WDNR web site, the public and stakeholders can follow both Agencies progress on activities and outcomes and partnering efforts. The following approach will be followed:

- Post the new FY'04/05 EnPPA on the WDNR web site about September 30, 2003.
- Post the final FY'03 EnPPA/SAR (containing Region 5 and WDNR Self-Evaluations) on the WDNR web site about November 15, 2003.
- Post the revised FY'05 EnPPA with all the changes that are a result of agency agreed to revisions to the EnPPA on the WDNR web site about July 1, 2004.
- Post the final FY'04 EnPPA/SAR (containing Region 5 and WDNR Self-Evaluations) on the WDNR web site about November 15, 2004.

D. Other Ongoing Involvement During the Life of the EnPPA

Examples of tools that will be used include updates (such as fact sheets, news releases or reports) on environmental progress in the State, standing partnership teams, solicitation of comment and public notice of significant activities and decisions. In addition, public availability sessions will be held at least once a year to "report out" on environmental progress. Region 5 and WDNR will seek public feedback and this feedback will be used in future decision-making.

## *APPENDIX E - Definitions*

**Categorical Grant Work Plans** - Categorical grant refers to specific federal funds awarded to states for specific types of work. These national USEPA grants are distributed annually to states using allocation formulas. Each state negotiates an annual categorical work plan with USEPA that lists the federally funded activities the state will carry out.

**Department Leadership Team (DLT)** - WDNR Secretary, Deputy Secretary, Executive Assistant, Division Administrators, Regional Directors responsible for providing strategic direction to the agency and implementing policies established by the Natural Resources Board.

**Environmental Indicators** - These are measures of environmental integrity that demonstrate the effectiveness of environmental protection efforts

**Environmental Performance Partnership Agreement (EnPPA)** - A strategic document containing a joint statement of priorities and goals negotiated between a state and USEPA.

**Integrated Work Plan System (IWPS)** - The WDNR work planning process resulting in a uniform product that supports the agency mission and focuses on customer needs. This biennial planning process addresses identified problems, establishes clear work planning direction on work priorities and objectives, facilitates program integration, establishes accountability for implementation and allows adjustments to account for new information or changes in available resources.

**Joint Priorities (JPs)** - Joint priorities are common elements of both Agencies strategic direction that benefit from the commitment of joint resources and require joint planning to be effectively and efficiently addressed. Performance measures for each Agency are set for each JP. Reporting on these measures is a required component of the Self Assessment Report for each Agency.

**National Environmental Performance Partnership System (NEPPS)** - A set of basic principles jointly developed by USEPA and states. These principles include increased use of goals and indicators, EnPPAs, self assessments, differential oversight, public outreach and joint evaluations.

**Performance Measure** - Performance measures are quantitative and qualitative references used to determine progress toward goals. There are several "types" of performance measures in the EnPPA:

Performance Measures for Joint Priorities - Measures used to evaluate whether Region 5 and WDNR are making progress on the joint priorities in the EnPPA. Performance measures are negotiated as part of the EnPPA and are included in the annual Self Assessment Report.

National Core Performance Measures - Focused and limited set of measurable priorities identified by USEPA national program managers for inclusion in each state EnPPA that are part

of a framework designed to focus performance on environmental results. The elements of that framework include:

- **ENVIRONMENTAL GOAL** - Desired state of the environment, including ecosystems and environment-related human health or a reduction in pressures on the environment that we are ultimately seeking to achieve.
- **ENVIRONMENTAL OBJECTIVE** - A target level of performance expressed as a tangible, measurable objective against which actual achievements can be compared. These are the measurable environmental end-points comparable to the milestones in the national environmental goals report.
- **PROGRAMMATIC OBJECTIVES** - Desired results of program actions as manifest outside the program/organization.
- **PROGRAM ACTIVITIES** - A specific activity or project that contributes to program implementation; a product of the program/organization.
- **CORE PERFORMANCE MEASURES** - Core performance measures are designed to promote managing for environmental results. These essential measures are the principal means for ensuring that sound program accountability is achieved. Three types of measures work in concert to account for program performance. These are Core Environmental Indicators, Core Program Outcome Measures, and Core Program Output Measures. Over time, greater emphasis will be placed on environmental indicators and outcome measures as these become available and are used. Accordingly, output measures are to be de-emphasized over time.
- **CORE ENVIRONMENTAL INDICATORS** - A quantitative measure, over time, of progress toward achieving environmental objectives; expressed as changes in ambient concentrations of pollutants, in pollutant uptake or body burden, or in terms of health, ecological or other effects of pollutants.
- **CORE PROGRAM OUTCOME MEASURES** - Quantitative measures of external behaviors by the public or regulated community that are caused, at least in part, by government programs. These measures are expressed as actions by pollution sources or by changes in emission or discharge quantities.
- **CORE PROGRAM OUTPUT MEASURES** - Quantitative or qualitative measure of program activities that are important work products or actions taken by states or EPA during a defined time period.

**Region 5 Agenda for Action** - USEPA Region 5 strategic document that identifies environmental priorities, principle geographic places of concern, and critical approaches that the Region will use to address their strategic priorities.

**Secretary's Issues** - Significant issues requiring the attention of WDNR's Senior Management Team to resolve. These usually have the following characteristics: are broad in scale and magnitude; require contributions from multiple program areas; cross division and region boundaries; and are performance or services oriented. Secretary's issues have defined goals, performance measures and require an issue sponsor, collaboration with partners and allocation of resources through the Integrated Work Planning System.

**Self Assessment Report (SAR)** - The WDNR SAR reports on the status of all aspects of the environmental management programs (Air, Water, etc.) covered by the EnPPA for those portions of WDNR environmental programs funded in part or in total by federal grant money from USEPA. This report will address activities conducted to accomplish the Agencies' JPs and program priorities and evaluate whether those actions satisfy the federal program obligations. The report will highlight areas of success and recommend improvements where necessary. Routine reporting requirements, as agreed to in IWPS work plans, will be conducted throughout the year with status summaries on this activity included in the WDNR SAR. The WDNR SAR will not fulfill all federal grant requirements or fiscal reporting responsibilities.

USEPA's SAR will provide an evaluation of contributions to achieve JPs and of support provided to WDNR programs.

## *APPENDIX F – Innovative Strategies MOA between Region 5 and WDNR*

Memorandum of Agreement Between the Wisconsin Department of Natural Resources and the United States Environmental Protection Agency Concerning Implementation of the Joint State/EPA Agreement to Pursue Regulatory Innovation and the Wisconsin Environmental Cooperation Pilot Program – March 25, 1999

### **I. Statement of Intent**

The United States Environmental Protection Agency Region 5 (EPA) and the Wisconsin Department of Natural Resources (WDNR) agree on the need to experiment with new approaches to improve our nation's environment. These new approaches can help us identify cleaner, cheaper, smarter ways to ensure that all Americans enjoy a clean environment and healthy ecosystems. EPA and WDNR are committed to working in an open and collaborative atmosphere to encourage, pursue, and test new ideas that work towards achieving our environmental goals and enhanced environmental performance.

This Memorandum of Agreement (MOA) is entered into by the Regional Administrator of EPA Region 5 and the Secretary of WDNR. It will guide the working partnership of both agencies in fulfilling the principles of the Joint State/EPA Agreement to Pursue Regulatory Innovation, dated March 25, 1998, and the objectives of the Wisconsin's Environmental Cooperation Pilot Program: to pilot and evaluate innovative environmental regulatory methods.

This partnership fosters an environment in which WDNR innovations are supported and encouraged in order to develop better ways of achieving environmental and ecosystem goals. As the front-line delivery agent for environmental programs, WDNR has first hand knowledge of the environmental problems, facility issues, and community concerns that puts it in a unique position to develop practical solutions that are environmentally protective as well as efficient and effective. EPA seeks to support WDNR's efforts with timely input and consultation that demonstrates openness and flexibility while observing requirements of the federal statutes. Implementation of this agreement will be carried on in a manner consistent with WDNR's responsibilities under delegated, authorized or approved programs. When a pilot implemented under the Wisconsin Environmental Cooperation Pilot Program requires an experimental change to one of these programs, the agencies will determine what procedural requirements are necessary to effect such a change and will comply with them.

WDNR and EPA agree that the implementation of this agreement will be one of continual improvement, assessment, and adjustment. It will require on-going communication to ensure the success of the innovation projects.

This Memorandum of Agreement will remain in effect for the duration of the Wisconsin Environmental Cooperation Pilot Program. This agreement is not intended to supercede any other agreement between EPA and WDNR.

### **II. Principles for WDNR/EPA Regulatory Innovations**

WDNR and EPA agree to the set of basic overarching principles set forth in the Joint State/EPA Agreement to Pursue Regulatory Innovation. (This agreement can be requested from WDNR or EPA or accessed electronically at: [www.epa.gov/reinvent/ecos/ecos498a.htm](http://www.epa.gov/reinvent/ecos/ecos498a.htm)) The agencies shall use these principles to guide the partnership as it develops, tests, and implements regulatory innovations. These principles are:

**Experimentation:** Innovation involves change, new ideas, experimentation and some risk of failure. Experiments that will help us achieve environmental goals in better ways are worth pursuing when success is clearly defined, costs are reasonable, and environmental and public health protections are maintained.

**Environmental Performance:** Innovations must seek more efficient and/or effective ways to achieve our environmental and programmatic goals, with the objective of achieving a cleaner, healthier environment and promoting sustainable ecosystems.

**Smarter Approaches:** to reinvent environmental regulation, regulators should seek creative ways to remedy environmental problems and improve the environmental protection system, and be receptive to innovative, common sense approaches.

**Stakeholder Involvement:** Effective stakeholder involvement produces better innovation projects and catalyzes public support for new approaches. Stakeholders must have an opportunity for meaningful involvement in the design and evaluation of innovation. Stakeholders may include other state/local government agencies, the regulated community, citizen organizations, environmental groups, and individual members of the public. Stakeholder involvement should be appropriate to the type and complexity of the innovation proposal.

**Measuring and Verifying Results:** Innovations must be based on agreed-upon goals and objectives with results that can be reliably measured in order to enable regulators and stakeholders to monitor progress, analyze results, and respond appropriately.

**Accountability/Enforcement:** for innovations that can be implemented within the current regulatory framework, current systems of accountability and mechanisms of enforcement remain in place. For innovations that involve some degree of regulatory flexibility, innovators must be accountable to the public, both for regulatory requirements that replace existing regulations and for meeting commitments that go beyond compliance with current requirements. Regulators will reserve full authority to enforce alternative regulatory requirements to ensure that public health and environmental protections are maintained, and must be willing to explore new approaches to establish accountability for beyond-compliance commitments.

**State-EPA Partnership:** The State and EPA will promote innovations at all levels to increase the efficiency and effectiveness of environmental programs. We must work together in the design, testing, evaluation and implementation of innovative ideas and programs, utilizing each other's strengths to full advantage.

### **III. The Wisconsin Environmental Cooperation Pilot Program**

This Memorandum of Agreement defines how EPA and WDNR will work together in developing and implementing innovations under the Wisconsin Environmental Cooperation Pilot Program ("Program"). This section of the MOA sets forth the goals of the Program. The entire text of the Wisconsin Environmental Cooperation Pilot Program statute (section 299.80, Wis. Statutes) is provided as Attachment One.

WDNR has been authorized to develop up to 10 pilot projects with companies from a variety of business sectors willing to test an alternative to the traditional command and control regulatory approach. WDNR will enter into these agreements with companies that embody a whole-facility, multi-media approach to environmental protection building off an environmental management system (EMS). One of the main goals is to establish a collaborative process involving business, government and the public in order to reach consensus that is a "win" for each. WDNR will recognize superior environmental performance by providing flexibility in certain regulatory procedures. In addition, WDNR will determine if the cooperative agreement pilot program would

be effective in helping companies that are not top performers improve their performance, gain more for the environment, and provide positive lessons for similar situations elsewhere. Under the Wisconsin Environmental Cooperation Pilot Program statute, the cooperative agreements to evaluate innovative environmental regulatory methods are required to meet the following goals:

- Provide at least the same level of protection of public health and the environment as current regulations
- Encourage systematic assessment of direct and indirect environmental impacts
- Encourage efficiency and cost-effective, verifiable pollution reduction strategies
- Encourage superior environmental performance, minimize transfers of wastes and achieve a balance among economic, social and environmental impacts
- Recognize and reward leading companies
- Encourage the transfer of information
- Consolidate permitting and approval requirements
- Grant regulatory flexibility
- Reduce governments' and the facility's transaction costs for paperwork and other administrative tasks
- Encourage public participation and consensus
- Improve public information and access to performance information
- Encourage facilities to work with communities
- Increase trust amongst government, facility owners/operators and the public

These goals serve to develop a system of environmental protection that can achieve environmental goals in better ways (cleaner, cheaper, smarter) while maintaining environmental and public health protections.

The Wisconsin statute is consistent with the essence of the principles set forth in the ECOS/EPA agreement. Section 299.80(6)(a), Wisconsin Statutes, delineates that WDNR shall consult on this program with EPA. WDNR and EPA Region 5 have signed an environmental performance partnership agreement covering the 1997-99 state fiscal years. In this agreement, Innovative Environmental Strategies is elevated as a joint priority for both WDNR and Region 5 EPA. The Cooperative Agreement Pilot Program is part of this joint priority. Work on this program will be carried over into subsequent performance partnership agreements.

#### **IV. Roles and Responsibilities of WDNR and EPA**

The Environmental Cooperation Pilot Program is a Wisconsin program. WDNR will administer and implement the Program in conjunction and coordination with its roles and responsibilities administering existing environmental programs. It is not anticipated that EPA will be a party to cooperative agreements between WDNR and companies. However, where an agreement affects requirements of a federally delegated or authorized program, WDNR and EPA will follow the process described in Section V of this MOA to ensure that EPA is prepared to take any necessary implementing steps at the federal level.

EPA's role is to work with WDNR — when federal involvement is needed or would be helpful — in developing, implementing, monitoring, and evaluating Program innovations. When federal action is necessary for an innovation to be implemented, EPA will promptly determine what is required in order to take such action and decide whether it is prepared to take that action. This

role is in addition to EPA's existing role in administering the nation's environmental programs. Each agency will emphasize early and frequent communication, cooperation, and partnership in undertaking their respective roles, both existing and specific to this new Program.

WDNR will decide which companies to accept into the Program. EPA will inform WDNR, upon reviewing a company's application, of factors it believes should be considered in the selection process, including enforcement and compliance-related matters. Based on its assessment of a company's qualifications, and in consultation with WDNR, EPA will decide whether it can take an active role in developing and putting into place the mechanisms for implementing a particular pilot.

WDNR will identify any innovations it proposes to include in a cooperative agreement with a company. WDNR and EPA then will work jointly to identify and carry out any necessary procedures for implementing the innovations in a manner consistent with state and federal law as described in Section V of this MOA.

With respect to Program pilots, WDNR and EPA will work to ensure — through effective communication and collaboration — that all enforcement decisions and actions on the part of each agency are understood by and coordinated with the other agency. WDNR and EPA understand and agree that WDNR maintains primary responsibility for monitoring compliance and taking enforcement actions under delegated, approved or authorized programs. EPA will continue to carry out its enforcement responsibilities, in accordance with the *EPA and State Regulatory Framework for EMS Pilot Projects* (see Attachment Three) agreement signed by EPA and several states on May 14, 1998; retaining the right to bring enforcement actions in appropriate circumstances, but not increasing its scrutiny of a company because of its participation in the Program.

EPA will consult with WDNR before taking any action concerning a facility operating under a cooperative agreement. WDNR will inform EPA immediately upon learning through self-disclosure from a program company of a non-compliance situation and will convey how the company proposes to address the situation. The agencies' enforcement offices will consult regarding WDNR's (and EPA's) course of action. WDNR will keep EPA informed through out the course of any compliance schedule negotiated with the company.

WDNR will take the lead in developing input protocols for measuring the success of pilots with EPA and external stakeholders providing input.

## **V. The Process for Interagency Cooperation in Addressing Programmatic Issues and During WDNR Negotiation and Implementation of Agreements with Companies**

### **Overview of the Process**

WDNR and EPA will establish an Interagency Innovations Team (IIT), with a co-chair from each agency. IIT will be responsible for all interagency communication, deliberations, and coordination regarding implementation of innovations under the Program. IIT's co-chairs will report directly to the Secretary and Regional Administrator or their designees. It will have members representing each agency's key program offices.

IIT will work on two tracks. (1) It will address programmatic matters such as issues relating to: permit and delegated-program modification procedures, enforcement and compliance, and the content and implementation of this MOA. It will address these as they arise, outside the context of any specific pilot. (2) It will also serve as the forum for any interagency communication and deliberations during the selection, negotiation, and implementation of each Program pilot.

### **Programmatic Issues**

WDNR and EPA recognize that successful implementation of the Program will require agreement between the agencies on how to address a number of programmatic issues. Some such issues have been identified during the negotiation of this MOA. Others are likely to arise as implementation of the Program proceeds. IIT will be responsible for assuring that these issues are addressed by the appropriate EPA and WDNR representatives in a timely manner as they arise. Programmatic issues identified to date include:

- Regulatory Flexibility
- Wisconsin's Environmental Cooperation Pilot Program statute provides for waivers and modifications to regulations, policies, guidance, and practices. Such waivers and modifications will be implemented in ways that are consistent with, and do not exceed the discretion allowed under, federal and Wisconsin statutes.
- When WDNR applies section 299.80 (4) or other provisions of the Wisconsin Environmental Cooperation Pilot Program statute to change or waive a requirement of state law that implements a federal program requirement (except a statutory requirement which cannot be waived or varied), the agencies will consult and assure that the change or waiver is made in accordance with all applicable procedural requirements and is fully enforceable. (See Attachment Two for a brief discussion of such federal procedures). Such a change or waiver will be effective once all procedures necessary to make it effective are completed.
- Assuring that WDNR/Company Agreements are Legally Binding and Enforceable

WDNR and EPA intend that cooperative agreements be constructed in a manner that is legally binding; providing clarity and assurances to the company and enforceability to the agencies. IIT will work out specific procedures and agreement formats necessary to assure this.

EPA and WDNR acknowledge that where a cooperative agreement affects requirements under a federally authorized or delegated program, the requirements of the agreement will replace those previously in effect and will become the requirements applicable to and legally binding upon the facility after all applicable procedures necessary to effectuate such a change have been completed. In order to ensure this, where such an agreement substitutes for or modifies the terms of a permit, the agencies agree to follow the procedures applicable to permit issuance or modification under applicable state law implementing a federally delegated or approved program, or any new or modified procedure the agencies subsequently develop and agree to employ on an experimental basis that is consistent with federal and Wisconsin statutes and the ECOS/EPA Agreement. The agencies agree that each cooperative agreement between WDNR and a company will be developed in such a way that, as described above, it constitutes a permit or permit modification that is enforceable under federal law.

Furthermore, where such an agreement affects the regulatory requirements of a federally authorized or delegated program, the agencies agree to follow the applicable federal procedures for rule or program changes — those existing as of the signing of this MOA or any new or modified procedures the agencies subsequently develop and agree to employ on an experimental basis that are consistent with federal and Wisconsin statutes and the ECOS/EPA Agreement. In this way, the agencies intend that any such change will be consistent with WDNR's responsibilities under delegated, authorized, or approved programs and federally enforceable. Developing New Procedures for Implementing Innovations on a Pilot Basis, EPA and WDNR agree that the IIT should explore all available procedures for cost-effectively and expeditiously

implementing innovations on an experimental basis in manners that are consistent with federal and Wisconsin statutes and the ECOS/EPA Agreement.

WDNR and EPA agree that any procedures they jointly develop to implement innovations will be used only in pilots where both agencies believe the experiment may lead to worthwhile systemic changes and that the company is an appropriate candidate for piloting such innovations. Enforcement Deferral and Compliance Schedules Pursuant to the Wisconsin Statute

WDNR and EPA agree that the enforcement deferral and compliance schedule provisions of the Program, as set forth in the Wisconsin statute and discussed below, can be implemented in a manner consistent with federal and state law. This Memorandum of Agreement incorporates by reference the opinion of the Attorney General of the State of Wisconsin, dated January 25, 1999 (see Attachment Four).

The Wisconsin Environmental Cooperation Pilot Program statute calls for Program companies to perform periodic audits and to disclose to WDNR within 45 days any violation(s) they discover. Along with the disclosure of the violation, the company must describe the actions it has or will take to correct the violations and commit to correcting them within 90 days or within a compliance schedule of up to 12 months negotiated with WDNR.

As provided in the Environmental Cooperation Pilot Program, if the company complies with this provision of the statute and the violation does not present an imminent threat, nor will it cause serious harm, to public health or the environment, the statute states that WDNR may not commence a civil enforcement action to collect forfeitures for a period of 90 days. If the participant corrects the violation(s) within the 90 day time frame, WDNR may not commence a civil action to collect forfeitures for the violations. This deferral of civil enforcement does not apply to criminal actions nor to violations discovered by WDNR before a company submits its audit findings.

If the participating company cannot remedy the situation within 90 days, it can negotiate a modification to its Cooperative Agreement containing a compliance schedule of up to 12 months. Should the company not meet their obligations under such a compliance schedule, WDNR has the authority to revoke or modify the Cooperative Agreement and collect any stipulated penalties that were negotiated as part of the compliance schedule.

IIT will determine what steps, if any, need to be taken to assure these provisions of the Wisconsin statute are implemented in a manner consistent with state and federal law.

#### Public Involvement in Developing, Piloting, and Evaluating Innovations

IIT will consult on an ongoing basis about the public involvement strategies employed in conjunction with the Program; assessing the extent to which they are consistent with the goals of the Program set forth in the Wisconsin statute and the principles set forth in the State/EPA Joint Agreement to Pursue Regulatory Innovation and evaluating strategies for improving their effectiveness.

#### **IIT Process Relating to Specific Pilots**

For purposes of this MOA, the Program process for developing and implementing company pilots is divided into four phases: (1) preliminary review of company applications, (2) WDNR/company negotiations, (3) implementation of a company pilot, and (4) evaluation of lessons learned and replication of successful innovations. WDNR and EPA will work together during each of these phases as set forth below. The level of EPA involvement, and thus the level of IIT activity, will vary depending on the types of innovations proposed for a pilot and the

extent to which these innovations trigger or call into question federal requirements. In some instances, EPA may have no involvement.

#### Phase 1: Preliminary Review of Company Applications

WDNR and EPA agree that for the overall process to proceed efficiently and successfully, the agencies need to communicate clearly during this early phase about the merits, challenges, and prospects of each potential pilot.

When WDNR receives an application from a company, it will forward a copy to the EPA IIT co-chair. Within four weeks, the EPA co-chair, will communicate by phone and in writing (email will suffice and may be preferable) to the WDNR co-chair initial reactions including an initial identification of potential issues relating to selection screening, potential alternative regulatory requirements, and possible barriers to such alternatives. Either agency may request a meeting during this phase if it believes one would be helpful in assuring clear, complete communication.

#### Phase 2: WDNR/Company Negotiations

WDNR and EPA agree that for pilot innovation efforts to succeed, they must proceed expeditiously through a creative negotiation/design phase. The mutually-agreed objective for this phase is to jointly develop creative approaches to environmental protection that can work from both the state and federal standpoint, within a timeframe that works for all parties involved (including the company).

The WDNR co-chair will notify the EPA co-chair by phone and in writing when WDNR decides to negotiate an agreement with a company. Along with the notification, the WDNR co-chair will convey a copy of the current draft of the proposed agreement and a description of proposed innovations it is considering incorporating into the agreement.

IIT will hold a scoping meeting if either agency believes EPA should be involved in developing any of the proposed innovations. Additional IIT meetings will be held in a timely manner as needed, with an overall timeframe of 3 months. Who should participate in these meetings will depend on the media and types of issues involved. Each agency agrees to involve all key program offices as helpful.

WDNR will take the lead in specifically defining the purpose and parameters of any proposed innovations it is considering incorporating into a cooperative agreement. IIT will then identify potential mechanisms for implementing each innovation on a pilot basis in a manner consistent with federal and state law.

The list of the potential mechanisms IIT develops, with explanation of the pros and cons of each, will be forwarded to the Secretary of WDNR and the EPA Region 5 Administrator. The Secretary and RA, after consultation with the heads of the relevant program offices and IIT co-chairs, will provide clear direction to IIT concerning which mechanism(s) to develop and pursue. IIT will then refine the strategy.

When WDNR and a company are ready to sign an agreement, EPA will be given a final opportunity to review the agreement and, if it affects a federally delegated or authorized program, to confirm that EPA is prepared to carry out any necessary federal implementing steps. The Regional Administrator will convey this confirmation in writing to the Secretary within the three month timeframe for this phase of IIT deliberations.

#### Phase 3: Implementation of a Company Pilot

WDNR and EPA agree to take all reasonable steps — through effective communication and collaboration — to ensure that each Program pilot proceeds smoothly through the implementation phase, with every reasonable opportunity to succeed.

IIT will assure that each agency makes a good faith effort to participate in the company's public involvement process, respond to any public inquiries or assist in other capacities. WDNR will provide EPA with a copy of each Program companies' performance evaluations. The agencies will work to develop a system for identifying Program companies in relevant databases and tracking systems so that all program offices will be aware of a company's participation in the Program. The programs also should see the pilots as opportunities to use existing data under their control and data from the projects to explore new ways to achieve greater environmental performance. IIT will convene to discuss any renewal of a cooperative agreement prior to WDNR making a final decision.

#### Phase 4: Evaluation of Lessons Learned and Replication of Successful Innovations

WDNR and EPA agree that, as emphasized in both the Joint State/EPA Agreement to Pursue Regulatory Innovation and the Wisconsin Environmental Cooperation Pilot Program statute, evaluating pilots and the processes by which they are implemented is an integral step in making systemic improvements to environmental regulatory programs. To this end, the agencies agree to work together in evaluating the success of individual pilots, the Wisconsin Program, and the two agencies' working relationship under this MOA.

IIT will assist WDNR in conjunction with external stakeholders to develop criteria and procedures for evaluating individual pilot projects that are consistent with and build on those set forth in the Joint State/EPA Agreement to Pursue Regulatory Innovation and the Wisconsin Environmental Cooperation Pilot Program statute, as well as the statute's requirements concerning company performance evaluations. Pilot project data may be submitted to the database for performance information from environmental management systems. Those data should be consistent with protocols developed by EPA and multi-state working group on environmental management systems.

The Wisconsin Program will be evaluated as set forth in the Joint State/EPA Agreement to Pursue Regulatory Innovation and the Wisconsin Environmental Cooperation Pilot Program statute. IIT will develop criteria for evaluating the agencies working relationship under this MOA.

## APPENDIX G – WI/U.S. EPA ENFORCEMENT ACTION COMMUNICATIONS PLAN

June 21, 2001

**Background:** Region 5 and WDNR have authority to enforce environmental laws. As a result, Federally initiated enforcement actions can and do occur in the State of Wisconsin for both delegated and non-delegated programs. Region 5 and WDNR have identified a concern that advance notification of Federal enforcement actions has not always occurred consistently and, as a result, WDNR is at times caught unaware when the public or news media contact them regarding a Region 5 enforcement action. WDNR and Region 5 agree to improve communications regarding enforcement actions by developing this plan.

**Purpose:** Communication on enforcement program activities generally occurs at a couple of stages: 1) prior to an EPA decision on planned enforcement actions and 2) after a decision has been made to initiate enforcement. There is still some concern that the pre-decision communications are not always occurring satisfactorily, for the purposes of this plan, there was a decision to focus on the second communications need as it deals more directly with the issue raised by the State Director.

**Communications Plan:** Region 5 will notify the designated WDNR enforcement contacts in a timely manner on agreed upon types of enforcement cases in the State whether delegated or not. Types of enforcement actions covered by this communications plan include:

Administrative Actions:      Finding of Violations & Notice of Violation  
   Administrative Compliance Orders (on consent or unilateral)  
   Administrative Penalty Order Complaints  
   Consent Agreement and Final Order (CAFO)

Civil Judicial Actions:      Judicial Complaints  
   Judicial Consent Decrees (CD)

Each Region 5 Program Office Branch or Section Chief shall make a phone call no later than two days in advance of the action to the identified State contacts. If WDNR contacts are not available, a voice mail message will be left. See the Designated State Contacts Table below for information regarding WDNR contacts. This notification shall include the following information:

- facility name and location;
- date action is to take place;
- type of action being taken (e.g., administrative, judicial,...);
- value of the action (e.g., penalty amount, whether there is injunctive relief or a SEP);
- EPA contact; and
- whether there will be a press release and the timing of any planned press releases. (Note: Where appropriate, EPA should work with the State to include language in the press release regarding state coordination/participation.)

**Confidentiality:** Region 5 and WDNR agree that communication on enforcement matters in advance of filing or settlement are enforcement confidential and as such, they are not to be shared with respondents/defendants or the public, until Region 5 takes its final action.

Designated State Contact		
Notification Provided to	Notification Provided by	Preferred Mechanism for Communication
<p><b>Steve Sisbach (WDNR)</b>  <b>Dir. of Environmental Enforcement (LE-5)</b>            Phone: 608/266-7317      Fax: 608/266-3696            Email: <a href="mailto:sisbas@dnr.state.wi.us">sisbas@dnr.state.wi.us</a></p>	<p>Program Branch/Section Chief</p>	<p>Telephone</p>
<p><b>William H. Smith (WDNR)</b>  <b>Deputy Secretary (AD-5)</b>            Phone: 608/264-6133      Fax: 608/266-6983            Email: <a href="mailto:william.h.smith@dnr.state.wi.us">william.h.smith@dnr.state.wi.us</a></p>		<p>Telephone</p>